

II

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[Report No. 99-370]

To provide a comprehensive policy for the United States in opposition to the system of apartheid in South Africa, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 30 (legislative day, JULY 28), 1986

Mr. LUGAR (for himself, Mr. McCONNELL, Mr. DURENBERGER, and Mr. TRIBLE) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

AUGUST 6 (legislative day, AUGUST 4), 1986

Reported by Mr. LUGAR, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To provide a comprehensive policy for the United States in opposition to the system of apartheid in South Africa, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SHORT TITLE**

4 ~~SECTION 1. This Act may be cited as the "Comprehen-~~
5 ~~sive Anti-Apartheid Act of 1986".~~

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DEFINITIONS

Sec. 3. As used in this Act—

(1) the term “controlled South African entity” means—

(A) a corporation, partnership, or other business association or entity organized in South Africa and owned or controlled, directly or indirectly, by a national of the United States; or

(B) a branch, office, agency, or sole proprietorship in South Africa of a national of the United States; and

(2) the term “new investment”—

(A) means—

(i) a commitment or contribution of funds or other assets; and

(ii) a loan or other extension of credit;

(B) but does not include—

(i) reinvestment of profits generated by a controlled South African entity into that same controlled South African entity or in-

1 vestment of such profits in another controlled
2 South African entity;

3 (ii) contributions of money or other
4 assets where such contributions are neces-
5 sary to enable a controlled South African
6 entity to operate in an economically sound
7 manner, without expanding its operations;
8 and

9 (iii) the ownership or control of a share
10 or interest in a controlled South African
11 entity, or the transfer or acquisition of such a
12 share or interest, provided that any such
13 transfer or acquisition does not result in a
14 payment or contribution of funds or assets to
15 the controlled South African entity.

16 (2) the term "national of the United States"
17 means—

18 (A) a natural person who is a citizen of the
19 United States or who owes permanent allegiance
20 to the United States or is an alien lawfully admit-
21 ted for permanent residence in the United States,
22 as defined by section 101(a)(20) of the Immigra-
23 tion and Nationality Act (8 U.S.C. 1101(a)(20));
24 or

1 **TITLE I—POLICY OF THE UNITED STATES**
2 **WITH RESPECT TO ENDING APARTHEID**
3 **POLICY TOWARD THE GOVERNMENT OF SOUTH AFRICA**

4 Sec. 101. (a) United States policy toward the Govern-
5 ment of South Africa shall be designed to bring about reforms
6 in that system of government that will lead to the establish-
7 ment of a nonracial democracy.

8 (b) The United States shall work toward this goal by
9 encouraging the Government of South Africa to—

10 (1) suspend the present state of emergency and
11 respect the principal of equal justice under law for citi-
12 zens of all races;

13 (2) release Nelson Mandela, Govan Mbeki, Walter
14 Sisulu, black trade union leaders, and all political
15 prisoners;

16 (3) permit the free exercise by South Africans of
17 all races of the right to form political parties, express
18 political opinions, and otherwise participate in the po-
19 litical process;

20 (4) establish a timetable for the elimination of
21 apartheid laws;

22 (5) negotiate with representatives of all racial
23 groups in South Africa the future political system in
24 South Africa; and

1 (6) end military and paramilitary activities aimed
2 at neighboring states.

3 (e) The United States will encourage the actions set
4 forth in subsection (b) through economic, political, and diplo-
5 matic measures as set forth in this Act. The United States
6 will adjust its actions toward the Government of South
7 Africa to reflect the progress or lack of progress made by the
8 Government of South Africa in meeting the goal set forth in
9 subsection (a).

10 POLICY TOWARD THE VICTIMS OF APARTHEID

11 SEC. 102. (a) The United States policy toward the vic-
12 tims of apartheid is to use economic, political, diplomatic, and
13 other effective means to achieve the removal of the root
14 cause of their victimization, which is the apartheid system. In
15 anticipation of the removal of the system of apartheid and as
16 a further means of challenging that system, it is the policy of
17 the United States to assist these victims of apartheid as indi-
18 viduals and through organizations to overcome the handicaps
19 imposed on them by the system of apartheid and to prepare
20 themselves for their rightful roles as full participants in the
21 political, social, economic, and intellectual life of their coun-
22 try in the post-apartheid South Africa envisioned by this Act.

23 (b) The United States will work toward the purposes of
24 subsection (a) by—

25 (1) providing assistance to South African victims
26 of apartheid without discrimination by race, color, sex,

1 religious belief, or political orientation, to take advantage of educational opportunities in South Africa and in
2 the United States to prepare for leadership positions in
3 a post-apartheid South Africa;

4 (2) assisting victims of apartheid;

5 (3) aiding individuals or groups in South Africa
6 whose goals are to aid victims of apartheid or foster
7 nonviolent legal or political challenges to the apartheid
8 laws;

9 (4) furnishing direct financial assistance to those
10 whose nonviolent activities had led to their arrest or
11 detention by the South African authorities;

12 (5) intervening at the highest political levels in
13 South Africa to express the strong desire of the United
14 States to see the development in South Africa of a
15 nonracial democratic society; and

16 (6) supporting the rights of the victims of apartheid through political, economic, or other sanctions in
17 the event the Government of South Africa government
18 fails to make progress toward the removal of the apartheid laws and the establishment of such democracy.

19 POLICY TOWARD OTHER COUNTRIES IN SOUTHERN AFRICA

20 SEC. 103. (a) The United States policy toward the other
21 countries in the Southern African region shall be designed to
22 encourage democratic forms of government, full respect for
23
24
25

1 human rights, political independence, and economic develop-
2 ment.

3 (b) The United States will work toward the purposes of
4 subsection (a) by—

5 (1) helping to secure the independence of Namibia
6 and the establishment of Namibia on a nonracial de-
7 mocracy in accordance with appropriate United Na-
8 tions Security Council resolutions;

9 (2) supporting the removal of all foreign military
10 forces from the region;

11 (3) encouraging the nations of the region to settle
12 differences through peaceful means;

13 (4) promoting economic development through bi-
14 lateral and multilateral economic assistance targeted at
15 increasing opportunities in the productive sectors of na-
16 tional economies, with a particular emphasis on in-
17 creasing opportunities for nongovernmental economic
18 activities;

19 (5) encouraging, and when necessary, strongly de-
20 manding, that all countries of the region respect the
21 human rights of their citizens and noncitizens residing
22 in the country, and especially the release of persons
23 persecuted for their political beliefs or detained without
24 trial; and

1 (6) providing appropriate assistance, within the
2 limitations of American responsibilities at home and in
3 other regions, to assist regional economic cooperation
4 and the development of interregional transportation
5 and other capital facilities necessary for economic
6 growth.

7 POLICY TOWARD A NEGOTIATED SETTLEMENT

8 SEC. 104. (a) United States policy will seek to promote
9 negotiations among representatives of all citizens of South
10 Africa to determine a future political system that would
11 permit all citizens to be full participants in the governance of
12 their country. The United States recognizes that important
13 and legitimate political parties in South Africa include sever-
14 al organizations that have been banned and will work for the
15 unbanning of such organizations in order to permit legitimate
16 political viewpoints to be represented at such negotiations.

17 (b) The United States will encourage the Government of
18 South Africa and all participants to the negotiations to re-
19 spect the right of all South Africans to form political parties,
20 express political opinions, and otherwise participate in the
21 political process without fear of retribution by either govern-
22 mental or nongovernmental organizations. It is the sense of
23 the Congress that a suspension of violence is an essential
24 precondition for the holding of negotiations. The United
25 States calls upon all parties to the conflict to agree to a sus-
26 pension of violence.

1 (e) The United States shall work toward the achieve-
2 ment of agreement to suspend violence and begin negotia-
3 tions through coordinated actions with the major Western
4 allies and with the governments of the countries in the
5 region.

6 (d) It is the sense of the Congress that the achievement
7 of an agreement for negotiation could be promoted if the
8 United States and its major allies, such as Great Britain,
9 Canada, France, Italy, Japan, and West Germany, would
10 hold a meeting to develop a four-point plan to discuss with
11 the Government of South Africa a proposal for stages of mul-
12 tilateral assistance to South Africa in return for the Govern-
13 ment of South Africa implementing—

14 (1) an end to the state of emergency and the re-
15 lease of the political prisoners, including Nelson
16 Mandela;

17 (2) the unbanning of the African National Con-
18 gress, the Pan African Congress, the Black Conscious-
19 ness Movement, and all other groups willing to partici-
20 pate in negotiations and a democratic process;

21 (3) a revocation of the Group Areas Act and the
22 Population Registration Act and the granting of uni-
23 versal citizenship to all South Africans, including
24 homeland residents; and

1 (4) the use of the international offices of a third
2 party as an intermediary to bring about negotiations
3 with the object of establishment of power-sharing with
4 the black majority.

5 **POLICY TOWARD INTERNATIONAL COOPERATION ON**

6 **MEASURES TO END APARTHEID**

7 **SEC. 105. (a)** The Congress finds that—

8 (1) international cooperation is a prerequisite to
9 an effective anti-apartheid policy; and

10 (2) the situation in South Africa constitutes an
11 emergency in international relations and that action is
12 necessary for the protection of the essential security in-
13 terests of the United States.

14 (b) Accordingly, the Congress urges the President to
15 seek such cooperation among all individuals, groups, and
16 nations.

17 **TITLE II—MEASURES TO ASSIST VICTIMS OF**
18 **APARTHEID**

19 **SCHOLARSHIPS FOR THE VICTIMS OF APARTHEID**

20 **SEC. 201.** Section 105(b) of the Foreign Assistance Act
21 of 1961 is amended—

22 (1) by inserting “(1)” after “(b)”; and

23 (2) by adding at the end thereof the following new
24 paragraph:

1 “(2)(A) Of the assistance provided under this section by
2 the Administrator of the agency primarily responsible for ad-
3 ministering this part of this Act—

4 “(i) for the fiscal year 1987, \$8,000,000;

5 “(ii) for the fiscal year 1988, \$11,000,000; and

6 “(iii) for the fiscal year 1989 and each fiscal year
7 thereafter, \$15,000,000,

8 shall be used to finance education, training, and scholarships
9 for the victims of apartheid who are attending universities,
10 colleges, and secondary schools in South Africa and who are
11 selected in accordance with subparagraph (B). Of the funds
12 available under the preceding sentence to carry out this sub-
13 paragraph, not less than one-third shall be available only for
14 assistance to full-time teachers or other educational profes-
15 sionals pursuing studies toward the improvement of their pro-
16 fessional credentials.

17 “(B) Of the funds provided in subparagraph (A) for each
18 fiscal year, 50 percent shall be available for educational as-
19 sistance for the victims of apartheid in accordance with sec-
20 tion 802(e) of the International Security and Development
21 Cooperation Act of 1985. The remainder of the funds in each
22 fiscal year which are not made available under the preceding
23 sentence shall be available to finance scholarships for individ-
24 uals selected by a nationwide panel or by regional panels
25 composed solely of members of the teaching profession ap-

1 pointed by the United States chief of diplomatic mission to
 2 South Africa. No such individual may be selected through
 3 any contract entered into with the agency primarily responsi-
 4 ble for administering this part of this Act.”.

5

HUMAN RIGHTS FUND

6

SEC. 202. (a) Section 116(e)(2)(A) of the Foreign As-
 7 sistence Act of 1961 is amended—

8

(1) by striking out “1984 and” and inserting in
 9 lieu thereof “1984,”; and

10

(2) by inserting after “1985” a comma and the
 11 following: “and \$1,500,000 for the fiscal year 1986
 12 and for each fiscal year thereafter”.

13

(b) Section 116 of such Act is amended by adding at the
 14 end thereof the following new subsection:

15

“(f) Of the funds made available to carry out subsection
 16 (e)(2)(A) for each fiscal year, \$250,000 shall be used for
 17 direct legal and other assistance to political detainees and
 18 prisoners and their families, including the investigation of the
 19 killing of protesters and prisoners, and for support for actions
 20 of black-led community organizations to resist, through non-
 21 violent means, the enforcement of apartheid policies such
 22 as—

23

“(1) removal of black populations from certain ge-
 24 ographic areas on account of race or ethnic origin,

1 (1) applauds the commitment of nationals of the
2 United States adhering to the Code of Conduct to
3 assure that South African blacks and other nonwhites
4 are given assistance in gaining their rightful place in
5 the South African economy; and

6 (2) urges the United States Government to assist
7 in all appropriate ways the realization by South Afri-
8 can blacks and other nonwhites of their rightful place
9 in the South African economy.

10 (c) Notwithstanding any other provision of law, the Sec-
11 retary of State and any other head of a department or agency
12 of the United States carrying out activities in South Africa
13 shall, to the maximum extent practicable, in procuring goods
14 or services, make affirmative efforts to assist business enter-
15 prises having more than 50 percent beneficial ownership by
16 South African blacks or other nonwhite South Africans.

17 EXPORT-IMPORT BANK OF THE UNITED STATES

18 SEC. 204. Section 2(b)(9) of the Export-Import Bank
19 Act of 1945 is amended—

20 (1) by striking out “(9) In” and inserting in lieu
21 thereof “(9)(A) Except as provided in subparagraph
22 (B), in”; and

23 (2) by adding at the end thereof the following:

24 “(B) The Bank shall take active steps to encourage the
25 use of its facilities to guarantee, insure, extend credit, or par-
26 ticipate in the extension of credit to business enterprises in

1 South Africa that are majority owned by South African
 2 blacks or other nonwhite South Africans. The certification
 3 requirement contained in clause (c) of subparagraph (A) shall
 4 not apply to exports to or purchases from business enter-
 5 prises which are majority owned by South African blacks or
 6 other nonwhite South Africans.”.

7 LABOR PRACTICES OF THE UNITED STATES GOVERNMENT
 8 IN SOUTH AFRICA

9 SEC. 205. (a) It is the sense of the Congress that the
 10 labor practices used by the United States Government—

- 11 (1) for the direct hire of South Africans,
 12 (2) for the reimbursement out of official residence
 13 funds of South Africans and employees of South Afri-
 14 can organizations for their long-term employment serv-
 15 ices on behalf of the United States Government, and
 16 (3) for the employment services of South Africans
 17 arranged by contract,

18 should represent the best of labor practices in the United
 19 States and should serve as a model for the labor practices of
 20 nationals of the United States in South Africa.

21 (b) The Secretary of State and any other head of a de-
 22 partment or agency of the United States carrying out activi-
 23 ties in South Africa shall promptly take, to the extent permit-
 24 ted by law, the necessary steps to ensure that the labor prac-
 25 tices applied to the employment services described in para-

1 ~~graphs (1) through (3) of subsection (a) are governed by the~~
2 ~~Code of Conduct.~~

3 ~~WELFARE AND PROTECTION OF VICTIMS OF APARTHEID~~
4 ~~BY THE UNITED STATES~~

5 ~~SEC. 206. (a) The Secretary shall acquire, through lease~~
6 ~~or purchase, residential properties in the Republic of South~~
7 ~~Africa that shall be made available, at rents that are equita-~~
8 ~~ble, to assist victims of apartheid who are employees of the~~
9 ~~United States Government in obtaining adequate housing.~~
10 ~~Such properties shall be acquired only in neighborhoods~~
11 ~~which would be open to occupancy by other employees of the~~
12 ~~United States Government in South Africa.~~

13 ~~(b) There are authorized to be appropriated~~
14 ~~\$10,000,000 for the fiscal year 1987 to carry out the pur-~~
15 ~~poses of this section.~~

16 ~~EMPLOYMENT PRACTICES OF UNITED STATES NATIONALS~~
17 ~~IN SOUTH AFRICA~~

18 ~~SEC. 207. (a) Any national of the United States that~~
19 ~~employs more than 25 persons in South Africa shall take the~~
20 ~~necessary steps to insure that the Code of Conduct is~~
21 ~~implemented.~~

22 ~~(b) No department or agency of the United States may~~
23 ~~intercede with any foreign government or foreign national~~
24 ~~regarding the export marketing activities in any country of~~
25 ~~any national of the United States employing more than 25~~

1 persons in South Africa that is not implementing the Code of
2 Conduct.

3 CODE OF CONDUCT

4 SEC. 208. (a) The Code of Conduct referred to in sec-
5 tions 203, 205, 207, and 210 of this Act is as follows:

6 (1) Desegregating the races in each employment
7 facility;

8 (2) Providing equal employment opportunity for
9 all employees without regard to race or ethnic origin;

10 (3) Assuring that the pay system is applied to all
11 employees without regard to race or ethnic origin;

12 (4) Establishing a minimum wage and salary
13 structure based on the appropriate local minimum eco-
14 nomic level which takes into account the needs of em-
15 ployees and their families;

16 (5) Increasing by appropriate means the number
17 of persons in managerial, supervisory, administrative,
18 clerical, and technical jobs who are disadvantaged by
19 the apartheid system for the purpose of significantly in-
20 creasing their representation in such jobs;

21 (6) Taking reasonable steps to improve the quality
22 of employees' lives outside the work environment with
23 respect to housing, transportation, schooling, recrea-
24 tion, and health;

25 (7) Implementing fair labor practices by recogniz-
26 ing the right of all employees, regardless of racial or

1 other distinctions, to self-organization and to form,
2 join, or assist labor organizations, freely and without
3 penalty or reprisal, and recognizing the right to refrain
4 from any such activity.

5 (b) It is the sense of the Congress that in addition to the
6 principles enumerated in subsection (a), nationals of the
7 United States subject to section 207 should seek to comply
8 with the following principle: taking reasonable measures to
9 extend the scope of influence on activities outside the work-
10 place, including—

11 (1) supporting the unrestricted rights of black
12 businesses to locate in urban areas;

13 (2) influencing other companies in South Africa to
14 follow the standards of equal rights principles;

15 (3) supporting the freedom of mobility of black
16 workers to seek employment opportunities wherever
17 they exist, and make provision for adequate housing for
18 families of employees within the proximity of workers'
19 employment; and

20 (4) supporting the rescission of all apartheid laws.

21 (e) The President may issue additional guidelines and
22 criteria to assist persons who are or may be subject to section
23 207 in complying with the principles set forth in subsection
24 (a) of this section. The President may, upon request, give an
25 advisory opinion to any person who is or may be subject to

1 this section as to whether that person is subject to this sec-
2 tion or would be considered to be in compliance with the
3 principles set forth in subsection (a).

4 (d) The President may require all nationals of the
5 United States referred to in section 207 to register with the
6 United States Government.

7 (e) Notwithstanding any other provision of law, the
8 President may enter into contracts with one or more private
9 organizations or individuals to assist in implementing this
10 section.

11 PROHIBITION ON ASSISTANCE

12 SEC. 209. No assistance may be provided under this
13 Act to any group which maintains within its ranks any indi-
14 vidual who has been found to engage in gross violations of
15 internationally recognized human rights (as defined in section
16 502B(d)(1) of the Foreign Assistance Act of 1961).

17 PROHIBITION ON NEW INVESTMENTS IN CERTAIN FIRMS

18 SEC. 210. No national of the United States may make
19 or approve any new investment in South Africa to, or on
20 behalf of, any controlled South African entity employing 25
21 or more individuals if such entity is not adhering to the Code
22 of Conduct.

1 **TITLE III—MEASURES BY THE UNITED**
2 **STATES TO UNDERMINE APARTHEID**

3 **PROHIBITION ON THE IMPORTATION OF KRUGERRANDS**

4 **SEC. 301.** (a) No person, including a bank, may import
5 into the United States any South African krugerrand or any
6 other gold coin minted in South Africa or offered for sale by
7 the Government of South Africa.

8 (b) For purposes of this section, the term "United
9 States" includes the States of the United States, the District
10 of Columbia, the Commonwealth of Puerto Rico, and any
11 territory or possession of the United States.

12 **PROHIBITION ON THE IMPORTATION OF MILITARY**

13 **ARTICLES**

14 **SEC. 302.** No arms, ammunition, or military vehicles
15 produced in South Africa or any manufacturing data for such
16 articles may be imported into the United States.

17 **PROHIBITION ON THE IMPORTATION OF PRODUCTS FROM**

18 **PARASTATAL ORGANIZATIONS**

19 **SEC. 303.** (a) Notwithstanding any other provision of
20 law, no article which is grown, produced, or manufactured by
21 a parastatal organization of South Africa may be imported
22 into the United States, except for those strategic minerals for
23 which the President has certified to the Congress that the
24 quantities essential for the economy or defense of the United
25 States are unavailable from reliable and secure suppliers.

1 (b) For purposes of this section, the term "parastatal
2 organization" means a corporation or partnership owned or
3 controlled by the Government of South Africa.

4 PROHIBITION ON COMPUTER EXPORTS TO SOUTH AFRICA

5 SEC. 304. (a) No computers, computer software, or
6 goods or technology intended to manufacture or service com-
7 puters may be exported to or for use by any of the following
8 entities of the Government of South Africa:

9 (1) The military.

10 (2) The police.

11 (3) The prison system.

12 (4) The national security agencies.

13 (5) ARMSCOR and its subsidiaries or the weap-
14 ons research activities of the Council for Scientific and
15 Industrial Research.

16 (6) The administering authorities for controlling
17 the movements of the victims of apartheid.

18 (7) Any apartheid enforcing agency.

19 (8) Any local, regional, or homelands government
20 entity which performs any function of any entity de-
21 scribed in paragraphs (1) through (7).

22 (b)(1) Computers, computer software, and goods or tech-
23 nology intended to service computers may be exported, di-
24 rectly or indirectly, to or for use by an entity of the Govern-
25 ment of South Africa other than those set forth in subsection
26 (a) only if a system of end use verification is in effect to

1 ensure that the computers involved will not be used for any
2 function of any entity set forth in subsection (a).

3 (2) The Secretary of Commerce may prescribe such
4 rules and regulations as may be necessary to carry out this
5 section.

6 PROHIBITION ON LOANS TO THE GOVERNMENT OF SOUTH
7 AFRICA

8 SEC. 305. (a) No national of the United States may
9 make or approve any loan or other extension of credit, direct-
10 ly or indirectly, to the Government of South Africa or to any
11 corporation, partnership or other organization which is
12 owned or controlled by the Government of South Africa.

13 (b) The prohibition contained in subsection (a) shall not
14 apply to—

15 (1) a loan or extension of credit for any education,
16 housing, or humanitarian benefit which—

17 (A) is available to all persons on a nondis-
18 criminatory basis; or

19 (B) is available in a geographic area accessi-
20 ble to all population groups without any legal or
21 administrative restriction; or

22 (2) a loan or extension of credit for which an
23 agreement is entered into before the date of enactment
24 of this Act.

25

1 **PROHIBITION ON AIR TRANSPORTATION WITH SOUTH**
2 **AFRICA**

3 **SEC. 306. (a)(1)** The Secretary of State shall terminate
4 the Agreement Between the Government of the United
5 States of America and the Government of the Union of South
6 Africa Relating to Air Services Between Their Respective
7 Territories, signed May 23, 1947, in accordance with the
8 provisions of that agreement.

9 **(2)** Upon termination of such agreement, the Secretary
10 of Transportation shall prohibit any aircraft of a foreign air
11 carrier owned, directly or indirectly, by the Government of
12 South Africa or by South African nationals from engaging in
13 air transportation with respect to the United States.

14 **(b)** The Secretary of Transportation may provide for
15 such exceptions from the prohibition contained in subsection
16 **(a)** as the Secretary considers necessary to provide for emer-
17 gencies in which the safety of an aircraft or its crew or pas-
18 sengers are threatened.

19 **(c)** For purposes of this section, the terms "aircraft",
20 "air transportation", and "foreign air carrier" have the
21 meanings given those terms in section 101 of the Federal
22 Aviation Act of 1958 (49 U.S.C. 1301).

23 **PROHIBITIONS ON NUCLEAR TRADE WITH SOUTH AFRICA**

24 **SEC. 307. (a)** Notwithstanding any other provision of
25 law—

1 (1) the Nuclear Regulatory Commission shall not
2 issue any license for the export to South Africa of pro-
3 duction or utilization facilities, any source or special
4 nuclear material or sensitive nuclear technology, or
5 any component parts, items, or substances which the
6 Commission has determined, pursuant to section 109b.
7 of the Atomic Energy Act, to be especially relevant
8 from the standpoint of export control because of their
9 significance for nuclear explosive purposes,

10 (2) the Secretary of Commerce shall not issue any
11 license for the export to South Africa of any goods or
12 technology which have been determined, pursuant to
13 section 309(e) of the Nuclear Non-Proliferation Act of
14 1978, to be of significance for nuclear explosive pur-
15 poses for use in, or judged by the President to be likely
16 to be diverted to, a South African production or utiliza-
17 tion facility,

18 (3) the Secretary of Energy shall not, under sec-
19 tion 57b.(2) of the Atomic Energy Act, authorize any
20 person to engage, directly or indirectly, in the produc-
21 tion of special nuclear material in South Africa, and

22 (4) no goods, technology, source or special nuclear
23 material, facilities, components, items, or substances
24 referred to in clauses (1) through (3) shall be approved

1 by the Nuclear Regulatory Commission or an executive
2 branch agency for retransfer to South Africa,
3 unless the Secretary of State determines and certifies to the
4 Speaker of the House of Representatives and the chairman of
5 the Committee on Foreign Relations of the Senate that the
6 Government of South Africa is a party to the Treaty on the
7 Non-Proliferation of Nuclear Weapons, done at Washington,
8 London, and Moscow on July 1, 1968, or otherwise main-
9 tains International Atomic Energy Agency safeguards on all
10 its peaceful nuclear activities, as defined in the Nuclear Non-
11 Proliferation Act of 1978.

12 (b) Nothing in this section shall preclude—

13 (1) any export, retransfer, or activity generally li-
14 censed or generally authorized by the Nuclear Regula-
15 tory Commission or the Department of Commerce or
16 the Department of Energy, or

17 (2) assistance for the purpose of developing or ap-
18 plying International Atomic Energy Agency or United
19 States bilateral safeguards, for International Atomic
20 Energy Agency programs generally available to its
21 member states, for reducing the use of highly enriched
22 uranium in research or test reactors, or for other tech-
23 nical programs for the purpose of reducing proliferation
24 risks, such as programs to extend the life of reactor
25 fuel and activities envisaged by section 223 of the Nu-

1 clear Waste Policy Act of 1982 or which are necessary
2 for humanitarian reasons to protect the public health
3 and safety.

4 (e) The prohibitions contained in subsection (a) shall not
5 apply with respect to a particular export, retransfer, or activ-
6 ity, or a group of exports, retransfers, or activities, if the
7 President determines that to apply the prohibitions would be
8 seriously prejudicial to the achievement of United States non-
9 proliferation objectives or would otherwise jeopardize the
10 common defense and security of the United States and, if at
11 least 60 days before the initial export, retransfer, or activity
12 is carried out, the President submits to the Speaker of the
13 House of Representatives and the chairman of the Commit-
14 tee on Foreign Relations of the Senate a report setting forth
15 that determination, together with his reasons therefor.

16 RESTRICTIONS ON ISSUANCE OF VISAS TO SOUTH AFRICAN
17 NATIONALS

18 SEC. 308. (a) The Congress finds that—

19 (1) American journalists, scholars, and clergy,
20 among others, have experienced problems in obtaining
21 visas to visit South Africa; and

22 (2) South African officials may have visited the
23 United States to gather, surreptitiously, information
24 useful in circumventing the international arms embargo
25 in effect against South Africa.

1 (b)(1) Notwithstanding any other provision of law, the
2 President shall define a class of persons consisting of all
3 South African Government officials, including individuals
4 performing services for the Government of South Africa, and
5 members of their immediate families.

6 (2) On or after the date of enactment of this Act, no visa
7 for admission to the United States may be issued to any indi-
8 vidual in such class except on a case-by-case basis in the
9 discretion of the Secretary of State.

10 (3) No visa issued before the date of enactment of this
11 Act to a nonimmigrant alien described in section
12 101(a)(15)(A) of the Immigration and Nationality Act shall be
13 valid after a date which is 30 days after the date of enact-
14 ment of this Act.

15 SALES OF GOLD STOCKS

16 SEC. 309. Whenever the President determines that such
17 action is necessary or appropriate to affect the price of gold
18 on the world markets and thereby to carry out the provisions
19 of this Act, the President is authorized to sell United States
20 gold stocks on the open market and to engage in other trans-
21 actions involving gold in such manner as the President may
22 prescribe.

23 GOVERNMENT OF SOUTH AFRICA BANK ACCOUNTS

24 SEC. 310. (a) A United States depository institution
25 may not accept, receive, or hold a deposit account from the
26 Government of South Africa or from any agency or entity

1 owned or controlled by the Government of South Africa
2 except for such accounts which may be authorized by the
3 President for diplomatic and consular purposes. For the pur-
4 pose of the preceding sentence, the term "depository institu-
5 tion" has the same meaning as in section 19(b)(1) of the Fed-
6 eral Reserve Act.

7 (b) The prohibition contained in subsection (a) shall take
8 effect 45 days after the date of enactment of this Act.

9 **TERMINATION OF CERTAIN PROVISIONS**

10 ~~SEC. 311.~~ (a) The provisions of sections 301 through
11 310 and sections 501(e) and 503(b) shall terminate if the
12 Government of South Africa—

13 (1) releases Nelson Mandela from prison;

14 (2) repeals the state of emergency in effect on the
15 date of enactment of this Act and releases all detainees
16 held under such state of emergency;

17 (3) unbans political parties; and

18 (4) repeals the Group Areas Act.

19 (b) The President may suspend or modify any of the
20 measures required by sections 301 through 310 or section
21 501 or 503 30 days after he determines, and so reports to the
22 Congress, that the Government of South Africa has—

23 (1) taken any two of the four actions listed in sub-
24 section (a); and

1 (2) made substantial progress toward dismantling
2 the system of apartheid and establishing a nonracial
3 democracy;
4 if the Congress does not enact within such 30-day period, in
5 accordance with section 602 of this Act, a joint resolution
6 disapproving the determination of the President under this
7 subsection.

8 **TITLE IV—MULTILATERAL MEASURES TO**
9 **UNDERMINE APARTHEID**

10 **NEGOTIATING AUTHORITY**

11 Sec. 401. (a)(1) It is the policy goal of the United
12 States to seek international cooperation with the industrial-
13 ized democracies on measures which will encourage an end
14 to apartheid. The net economic effect of such cooperation
15 should be at least equal to the net economic effect of the
16 measures imposed by this Act.

17 (2) For the purposes of paragraph (1), the term "net
18 economic effect" means the cumulative impact on the South
19 African economy as a whole of the measures imposed under
20 sections 301 through 310.

21 (b) Negotiations to reach international cooperative ar-
22 rangements with the other industrialized democracies should
23 begin promptly and should be concluded not later than 180
24 days after the date of enactment of this Act.

1 (c) If the President successfully concludes an interna-
2 tional agreement on measures described in subsection (a), he
3 may, 30 days after the text of such agreement has been re-
4 ceived by the Congress, adjust, modify, or otherwise amend
5 the measures imposed under any provision of sections 301
6 through 310 to conform with such agreement.

7 (d) Each agreement submitted to the Congress under
8 this subsection shall enter into force with respect to the
9 United States if (and only if)—

10 (1) the President, not less than 30 days before the
11 day on which he enters into such agreement, notifies
12 the House of Representatives and the Senate of his in-
13 tention to enter into such an agreement, and promptly
14 thereafter publishes notice of such intention in the Fed-
15 eral Register;

16 (2) after entering into the agreement, the Presi-
17 dent transmits a document to the House of Represent-
18 atives and to the Senate containing a copy of the final
19 legal text of such agreement together with—

20 (A) a statement of any administrative action
21 proposed to implement such agreement, and an
22 explanation as to how the implementing bill and
23 proposed administrative action change or affect
24 existing law, and

1 (B) a statement of his reasons as to how the
2 agreement serves the interest of United States
3 foreign policy and as to why the proposed admin-
4 istrative action is required or appropriate to carry
5 out the agreement; and

6 (2) a joint resolution of disapproval has not been
7 adopted within 30 days of transmittal of such docu-
8 ment to the Congress.

9 UNFAIR TRADE PRACTICES

10 SEC. 402. The Congress declares that it shall be an
11 unfair trade practice under section 301(a)(1)(B)(ii) of the
12 Trade Act of 1974 for any foreign person, partnership, or
13 corporation to benefit from or otherwise take commercial ad-
14 vantage of any sanction or prohibition against any national of
15 the United States imposed by or under this Act.

16 PRIVATE RIGHT OF ACTION

17 SEC. 403. (a) Any national of the United States who is
18 required by this Act to terminate or curtail business activities
19 in South Africa may bring a civil action for damages against
20 any person, partnership, or corporation that takes commer-
21 cial advantage or otherwise benefits from such termination or
22 curtailment.

23 (b) The action described in subsection (a) may only be
24 brought, without respect to the amount in controversy, in the
25 United States district court for the District of Columbia or
26 the Court of International Trade. Damages which may be

1 recovered include profits lost as a result of this Act and the
2 cost of bringing the action, including a reasonable attorney's
3 fee.

4 (e) The injured party must show by a preponderance of
5 the evidence that the damages have been the direct result of
6 defendant's action taken with the deliberate intent to injure
7 the party.

8 **TITLE V—FUTURE POLICY TOWARD SOUTH**
9 **AFRICA**

10 **ADDITIONAL MEASURES**

11 SEC. 501. (a) It shall be the policy of the United States
12 to impose additional measures against the Government of
13 South Africa if substantial progress has not been made within
14 12 months of the date of enactment of this Act in ending the
15 system of apartheid and establishing a nonracial democracy.

16 (b) The President shall prepare and transmit to the
17 Speaker of the House of Representatives and the chairman of
18 the Committee on Foreign Relations of the Senate within
19 twelve months of the date of enactment of this Act, and
20 every twelve months thereafter, a report on the extent to
21 which significant progress has been made toward ending the
22 system of apartheid, including—

23 (1) an assessment of the extent to which the Gov-
24 ernment of South Africa has taken the steps set forth
25 in section 101(b) of this Act;

1 ~~(2) an analysis of any other actions taken by the~~
2 ~~Government of South Africa in ending the system of~~
3 ~~apartheid and moving toward a nonracial democracy;~~
4 ~~and~~

5 ~~(3) the progress, or lack of progress, made in~~
6 ~~reaching a negotiated settlement to the conflict in~~
7 ~~South Africa.~~

8 ~~(e) If the President determines that significant progress~~
9 ~~has not been made by the Government of South Africa in~~
10 ~~ending the system of apartheid and establishing a nonracial~~
11 ~~democracy, the President shall include in the report required~~
12 ~~by subsection a recommendation on which of the following~~
13 ~~additional measures should be imposed:~~

14 ~~(1) a denial of most-favored-nation status to South~~
15 ~~Africa;~~

16 ~~(2) a prohibition on the importation of coal;~~

17 ~~(3) a prohibition on deposits held in United States~~
18 ~~banks by South African nationals (other than deposits~~
19 ~~covered by section 310);~~

20 ~~(4) coordinated efforts by the industrialized na-~~
21 ~~tions to lower the price of gold;~~

22 ~~(5) a prohibition on the importation into the~~
23 ~~United States of uranium ore or uranium oxide from~~
24 ~~South Africa and Namibia;~~

1 (6) coordinated efforts by the industrialized na-
2 tions and others to curtail or terminate telecommunica-
3 tions, postal, and telegraph services with South Africa;

4 (7) a prohibition on United States investment in
5 South Africa; or

6 (8) other economic or political measures.

7 (d) A joint resolution which would enact part or all of
8 the measures recommended by the President pursuant to sub-
9 section (c) shall be considered in accordance with the provi-
10 sions of section 602 of this Act.

11 STUDY OF HEALTH CONDITIONS IN THE "HOMELANDS"

12 AREAS OF SOUTH AFRICA

13 SEC. 502. The Secretary of State shall conduct a study
14 to examine the state of health conditions and to determine
15 the extent of starvation and malnutrition now prevalent in
16 the "homelands" areas of South Africa and shall, not later
17 than December 1, 1986, prepare and transmit to the Speaker
18 of the House of Representatives and the chairman of the
19 Committee on Foreign Relations of the Senate a report set-
20 ting forth the results of such study.

21 REPORT ON SOUTH AFRICAN IMPORTS

22 SEC. 503. (a) Not later than 90 days after the date of
23 enactment of this Act, the President shall submit to the Con-
24 gress a report on the extent to which the United States is
25 dependent on the importation from South Africa of—

26 (1) chromium;

1 **REPORT ON RELATIONS BETWEEN OTHER**

2 **INDUSTRIALIZED DEMOCRACIES AND SOUTH AFRICA**

3 **SEC. 505. (a)** Not later than 180 days after the date of
4 enactment of this Act, the President shall prepare and trans-
5 mit to the Speaker of the House of Representatives and the
6 chairman of the Committee on Foreign Relations of the
7 Senate a report containing a detailed assessment of the eco-
8 nomic and other relationships of other industrialized democ-
9 racies with South Africa. Such report shall be transmitted
10 without regard to whether or not the President successfully
11 concluded an international agreement under title IV.

12 **(b)** For the purposes of this section, the phrase "eco-
13 nomic and other relationships" includes those matters cov-
14 ered by sections 201, 202, 204, 205, 206, 207, 301, 302,
15 303, 304, 305, 306, 307, and 308 of this Act.

16 **TITLE VI—ENFORCEMENT AND**
17 **ADMINISTRATIVE PROVISIONS**

18 **REGULATORY AUTHORITY**

19 **SEC. 601.** The President shall issue such rules, regula-
20 tions, licenses, and orders as are necessary to carry out the
21 provisions of this Act, including taking such steps as may be
22 necessary to continue in effect the measures imposed by Ex-
23 ecutive Order 12532 of September 9, 1985 and any rule,
24 regulation, license, or order issued thereunder.

1 CONGRESSIONAL PRIORITY PROCEDURES

2 SEC. 602.(a)(1) The provisions of this subsection apply
3 to the consideration in the House of Representatives of a
4 joint resolution under sections 311(b), 401(d), and 501(d).

5 (2) A joint resolution shall, upon introduction, be re-
6 ferred to the Committee on Foreign Affairs of the House of
7 Representatives.

8 (3)(A) At any time after the joint resolution placed on
9 the appropriate calendar has been on that calendar for a
10 period of 5 legislative days, it is in order for any Member of
11 the House (after consultation with the Speaker as to the most
12 appropriate time for the consideration of that joint resolution)
13 to move that the House resolve itself into the Committee of
14 the Whole House on the State of the Union for the consider-
15 ation of that joint resolution. The motion is highly privileged
16 and is in order even though a previous motion to the same
17 effect has been disagreed to. All points of order against the
18 joint resolution under clauses 2 and 6 of Rule XXI of the
19 Rules of the House are waived. If the motion is agreed to,
20 the resolution shall remain the unfinished business of the
21 House until disposed of. A motion to reconsider the vote by
22 which the motion is disagreed to shall not be in order.

23 (B) Debate on the joint resolution shall not exceed ten
24 hours, which shall be divided equally between a Member fa-
25 voring and a Member opposing the joint resolution. A motion

1 to limit debate is in order at any time in the House or in the
2 Committee of the Whole and is not debatable.

3 (C) An amendment to the joint resolution is not in order.

4 (D) At the conclusion of the debate on the joint resolu-
5 tion, the Committee of the Whole shall rise and report the
6 joint resolution back to the House, and the previous question
7 shall be considered as ordered on the joint resolution to final
8 passage without intervening motion.

9 (5) As used in this subsection, the term "legislative
10 day" means a day on which the House is in session.

11 (b)(1) The provisions of this subsection apply to the con-
12 sideration in the Senate of a joint resolution under section
13 311(b), 401(d), or 501(d).

14 (2) A joint resolution shall, upon introduction, be re-
15 ferred to the Committee on Foreign Relations of the Senate.

16 (3) A joint resolution described in this section shall be
17 considered in the Senate in accordance with procedures con-
18 tained in paragraphs (3) through (7) of section 8066(e) of the
19 Department of Defense Appropriations Act, 1985 (as con-
20 tained in Public Law 98-473), except that—

21 (A) references in such paragraphs to the Commit-
22 tee on Appropriations of the Senate shall be deemed to
23 be references to the Committee on Foreign Relations
24 of the Senate; and

1 (B) amendments to the joint resolution are in
2 order.

3 (c) For purposes of this subsection, the term "joint reso-
4 lution" means only—

5 (A) in the case of section 311(b), a joint resolution
6 which is introduced in a House of Congress within 3
7 legislative days after the Congress receives the report
8 described in section 311(b) and for which the matter
9 after the resolving clause reads as follows: "That the
10 Congress, having received on the report
11 of the President containing the determination required
12 by section 311(b) of the Comprehensive Anti-Apartheid
13 Act of 1986, disapproves of such determination.", with
14 the date of the receipt of the report inserted in the
15 blank;

16 (B) in the case of section 401(d)(3), a joint resolu-
17 tion which is introduced in a House of Congress within
18 3 legislative days after the Congress receives the docu-
19 ment described in section 401(d)(2) and for which the
20 matter after the resolving clause reads as follows:
21 "That the Congress, having received on
22 the text of the international agreement described in
23 section 401(d)(3) of the Comprehensive Anti-Apartheid
24 Act of 1986, disapproves of such agreement.", with

1 the date of the receipt of the text of the agreement in-
2 serted in the blank; and

3 (C) in the case of section 501(d), a joint resolution
4 which is introduced in a House of Congress within 3
5 legislative days after the Congress receives the deter-
6 mination of the President pursuant to section 501(e)
7 and for which the matter after the resolving clause
8 reads as follows: "That the Congress, having received
9 on a determination of the President
10 under section 501(e) of the Comprehensive Anti-Apart-
11 heid Act of 1986, approves the President's determina-
12 tion.", with the date of the receipt of the determination
13 inserted in the blank.

14 (d) This section is enacted—

15 (1) as an exercise of the rulemaking powers of the
16 House of Representatives and Senate, and as such it is
17 deemed a part of the Rules of the House and the Rules
18 of the Senate, respectively, but applicable only with re-
19 spect to the procedure to be followed in the House and
20 the Senate in the case of joint resolutions under this
21 section, and it supersedes other rules only to the
22 extent that it is inconsistent with such rules; and

23 (2) with full recognition of the constitutional right
24 of the House and the Senate to change their rules at
25 any time, in the same manner, and to the same extent

1 as in the case of any other rule of the House or
2 Senate, and of the right of the Committee on Rules of
3 the House of Representatives to report a resolution for
4 the consideration of any measure.

5 **ENFORCEMENT AND PENALTIES**

6 ~~SEC. 603.~~ (a)(1) The President with respect to his au-
7 thorities under section 601 shall take the necessary steps to
8 ensure compliance with the provisions of this Act and any
9 regulations, licenses, and orders issued to carry out this Act,
10 including establishing mechanisms to monitor compliance
11 with this Act and such regulations, licenses, and orders.

12 (2) In ensuring such compliance, the President may—

13 (A) require any person to keep a full record of,
14 and to furnish under oath, in the form of reports or
15 otherwise, complete information relative to any act or
16 transaction described in this Act either before, during,
17 or after the completion thereof, or relative to any inter-
18 est in foreign property, or relative to any property in
19 which a foreign country or any national thereof has or
20 has had any interest, or as may be otherwise necessary
21 to enforce the provisions of this Act; and

22 (B) conduct investigations, hold hearings, adminis-
23 ter oaths, examine witnesses, receive evidence, take
24 depositions, and require by subpoena the attendance
25 and testimony of witnesses and the production of all

1 books, papers, and documents relating to any matter
2 under investigation.

3 (b) Except as provided in subsection (d)—

4 (1) any person that violates the provisions of this
5 Act, or any regulation, license, or order issued to carry
6 out this Act shall be subject to a civil penalty of
7 \$50,000;

8 (2) any person, other than an individual, that will-
9 fully violates the provisions of this Act, or any regula-
10 tion, license, or order issued to carry out this Act shall
11 be fined not more than \$1,000,000;

12 (3) any individual who violates the provisions of
13 this Act or any regulation, license, or order issued to
14 carry out this Act shall be fined not more than
15 \$50,000, or imprisoned not more than 10 years, or
16 both; and

17 (4) any individual who violates section 301(a) or
18 any regulations issued to carry out that section shall,
19 instead of the penalty set forth in paragraph (2), be
20 fined not more than 5 times the value of the Kruger-
21 rands or gold coins involved.

22 (c)(1) Whenever a person commits a violation under sub-
23 section (b)—

24 (A) any officer, director, or employee of such
25 person, or any natural person in control of such person

1 who knowingly and willfully ordered, authorized, ac-
2 quiesced in, or carried out the act or practice constitut-
3 ing the violation, and

4 (B) any agent of such person who knowingly and
5 willfully carried out such act or practice,

6 shall be fined not more than \$10,000, or imprisoned not more
7 than 5 years, or both.

8 (2) Paragraph (1) shall not apply in the case of a viola-
9 tion by an individual of section 301(a) of this Act or of any
10 regulation issued to carry out that section.

11 (3) A fine imposed under paragraph (1) on an individual
12 for an act or practice constituting a violation may not be
13 paid, directly or indirectly, by the person committing the vio-
14 lation itself.

15 (d)(1) Any person who violates any regulation issued
16 under section 208(d) or who, in a registration statement or
17 report required by the Secretary, makes any untrue state-
18 ment of a material fact or omits to state a material fact re-
19 quired to be stated therein or necessary to make the state-
20 ments therein not misleading, shall be subject to a civil pen-
21 alty of not more than \$10,000 imposed by the Secretary. The
22 provisions of subsections (d), (e), and (f) of section 11 of the
23 Export Administration Act of 1979 shall apply with respect
24 to any such civil penalty.

1 ~~(2) Any person who commits a willful violation under~~
 2 ~~paragraph (1) shall upon conviction be fined not more than~~
 3 ~~\$1,000,000 or imprisoned not more than 2 years, or both.~~

4 ~~(3) Nothing in this section may be construed to author-~~
 5 ~~ize the imposition of any penalty for failure to implement the~~
 6 ~~Code of Conduct.~~

7 ~~APPLICABILITY TO EVASIONS OF ACT~~

8 ~~SEC. 604. This Act and the regulations issued to carry~~
 9 ~~out this Act shall apply to any person who undertakes or~~
 10 ~~causes to be undertaken any transaction or activity with the~~
 11 ~~intent to evade this Act or such regulations.~~

12 ~~CONSTRUCTION OF ACT~~

13 ~~SEC. 605. Nothing in this Act shall be construed as~~
 14 ~~constituting any recognition by the United States of the~~
 15 ~~homelands referred to in this Act.~~

16 ~~SHORT TITLE~~

17 ~~Section 1. This Act may be cited as the "Comprehen-~~
 18 ~~sive Anti-Apartheid Act of 1986".~~

19 ~~TABLE OF CONTENTS~~

20 ~~Sec. 2. The table of contents of this Act is as follows:~~

- ~~Sec. 1. Short title.~~
- ~~Sec. 2. Table of contents.~~
- ~~Sec. 3. Definitions.~~
- ~~Sec. 4. Purpose.~~

~~TITLE I—POLICY OF THE UNITED STATES WITH RESPECT TO~~
~~ENDING APARTHEID~~

- ~~Sec. 101. Policy toward the Government of South Africa.~~
- ~~Sec. 102. Policy toward the victims of apartheid.~~
- ~~Sec. 103. Policy toward other countries in Southern Africa.~~
- ~~Sec. 104. Policy toward "frontline" states.~~
- ~~Sec. 105. Policy toward a negotiated settlement.~~
- ~~Sec. 106. Policy toward international cooperation on measures to end apartheid.~~

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Sec. 107. Policy toward "necklacing".

TITLE II—MEASURES TO ASSIST VICTIMS OF APARTHEID

- Sec. 201. Scholarships for the victims of apartheid.*
- Sec. 202. Human rights fund.*
- Sec. 203. Expanding participation in the South African economy.*
- Sec. 204. Export-Import Bank of the United States.*
- Sec. 205. Labor practices of the United States Government in South Africa.*
- Sec. 206. Welfare and protection of the victims of apartheid employed by the United States.*
- Sec. 207. Employment practices of United States nationals in South Africa.*
- Sec. 208. Code of Conduct.*
- Sec. 209. Prohibition on assistance.*
- Sec. 210. Use of the African Emergency Reserve.*

TITLE III—MEASURES BY THE UNITED STATES TO UNDERMINE APARTHEID

- Sec. 301. Prohibition on the importation of krugerrands.*
- Sec. 302. Prohibition on the importation of military articles.*
- Sec. 303. Prohibition of the importation of products from parastatal organizations.*
- Sec. 304. Prohibition on computer exports to South Africa.*
- Sec. 305. Prohibition on loans to the Government of South Africa.*
- Sec. 306. Prohibition on air transportation with South Africa.*
- Sec. 307. Prohibitions on nuclear trade with South Africa.*
- Sec. 308. Restrictions on issuance of visas to South African nationals.*
- Sec. 309. Sales of gold stocks.*
- Sec. 310. Government of South Africa bank accounts.*
- Sec. 311. Prohibition on importation of uranium and coal from South Africa.*
- Sec. 312. Prohibition on new investment in South Africa.*
- Sec. 313. Termination of certain provisions.*

TITLE IV—MULTILATERAL MEASURES TO UNDERMINE APARTHEID

- Sec. 401. Negotiating authority.*
- Sec. 402. Unfair trade practices.*
- Sec. 403. Private right of action.*

TITLE V—FUTURE POLICY TOWARD SOUTH AFRICA

- Sec. 501. Additional measures.*
- Sec. 502. Study of health conditions in the "homelands" areas of South Africa.*
- Sec. 503. Reports on South African imports.*
- Sec. 504. Study and report on the economy of southern Africa.*
- Sec. 505. Report on relations between other industrialized democracies and South Africa.*
- Sec. 506. Study and report on deposit accounts of South African nationals in United States banks.*
- Sec. 507. Study and report on the violation of the international embargo on sale and export of military articles to South Africa.*

TITLE VI—ENFORCEMENT AND ADMINISTRATIVE PROVISIONS

- Sec. 601. Regulatory authority.*
- Sec. 602. Congressional priority procedures.*

Sec. 603. Enforcement and penalties.

Sec. 604. Applicability to evasions of Act.

Sec. 605. Construction of Act.

1 *DEFINITIONS*

2 *SEC. 3. As used in this Act—*

3 *(1) the term “Code of Conduct” refers to the prin-*
4 *ciples set forth in section 208(a);*

5 *(2) the term “controlled South African entity”*
6 *means—*

7 *(A) a corporation, partnership, or other busi-*
8 *ness association or entity organized in South*
9 *Africa and owned or controlled, directly or indi-*
10 *rectly, by a national of the United States; or*

11 *(B) a branch, office, agency, or sole propri-*
12 *etorship in South Africa of a national of the*
13 *United States;*

14 *(3) the term “loan”—*

15 *(A) means any transfer or extension of funds*
16 *or credit on the basis of an obligation to repay, or*
17 *any assumption or guarantee of the obligation of*
18 *another to repay an extension of funds or credit,*
19 *including—*

20 *(i) overdrafts,*

21 *(ii) currency swaps,*

22 *(iii) the purchase of debt or equity secu-*
23 *rities issued by the Government of South*

1 *Africa or a South African entity on or after*
2 *the date of enactment of this Act,*

3 *(iv) the purchase of a loan made by an-*
4 *other person,*

5 *(v) the sale of financial assets subject to*
6 *an agreement to repurchase, and*

7 *(vi) a renewal or refinancing whereby*
8 *funds or credits are transferred or extended*
9 *to the Government of South Africa or a*
10 *South African entity, and*

11 *(B) does not include—*

12 *(i) normal short-term trade financing,*
13 *as by letters of credit or similar trade credits;*

14 *(ii) sales on open account in cases*
15 *where such sales are normal business prac-*
16 *tice; or*

17 *(iii) rescheduling of existing loans, if no*
18 *new funds or credits are thereby extended to*
19 *a South African entity or the Government of*
20 *South Africa;*

21 ~~(4)~~ *the term “new investment”—*

22 *(A) means—*

23 *(i) a commitment or contribution of*
24 *funds or other assets, and*

1 (ii) a loan or other extension of credit,
2 and

3 (B) does not include—

4 (i) the reinvestment of profits generated
5 by a controlled South African entity into
6 that same controlled South African entity or
7 the investment of such profits in a South Af-
8 rican entity;

9 (ii) contributions of money or other
10 assets where such contributions are necessary
11 to enable a controlled South African entity to
12 operate in an economically sound manner,
13 without expanding its operations; or

14 (iii) the ownership or control of a share
15 or interest in a South African entity or a
16 controlled South African entity of a debt or
17 equity security issued by the Government of
18 South Africa or a South African entity
19 before the date of enactment of this Act, or
20 the transfer or acquisition of such a share,
21 interest, or debt or equity security, if any
22 such transfer or acquisition does not result
23 in a payment, contribution of funds or
24 assets, or credit to a South African entity, a

1 *controlled South African entity, or the Gov-*
2 *ernment of South Africa;*

3 *(5) the term "national of the United States"*
4 *means—*

5 *(A) a natural person who is a citizen of the*
6 *United States or who owes permanent allegiance*
7 *to the United States or is an alien lawfully ad-*
8 *mitted for permanent residence in the United*
9 *States, as defined by section 101(a)(20) of the*
10 *Immigration and Nationality Act (8 U.S.C.*
11 *1101(a)(20)); or*

12 *(B) a corporation, partnership, or other busi-*
13 *ness association which is organized under the*
14 *laws of the United States, any State or territory*
15 *thereof, or the District of Columbia;*

16 *(6) the term "South Africa" refers to the territory*
17 *that constituted the Republic of South Africa on May*
18 *31, 1961;*

19 *(7) the term "South African entity" means—*

20 *(A) a corporation, partnership, or other busi-*
21 *ness association or entity organized in South*
22 *Africa; or*

23 *(B) a branch, office, agency, or sole propri-*
24 *etorship in South Africa of a person that resides*
25 *or is organized outside South Africa; and*

(8) the term “United States” includes the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

5 PURPOSE

6 *SEC. 4. The purpose of this Act is to set forth a compre-*
7 *hensive and complete framework to guide the efforts of the*
8 *United States in helping to bring an end to apartheid in*
9 *South Africa and lead to the establishment of a nonracial,*
10 *democratic form of government. This Act sets out United*
11 *States policy toward the Government of South Africa, the*
12 *victims of apartheid, and the other states in southern Africa.*
13 *It also provides the President with additional authority to*
14 *work with the other industrial democracies to help end apart-*
15 *heid and establish democracy in South Africa.*

16 *TITLE I—POLICY OF THE UNITED STATES*
17 *WITH RESPECT TO ENDING APARTHEID*

18 *POLICY TOWARD THE GOVERNMENT OF SOUTH AFRICA*

19 *SEC. 101. (a) United States policy toward the Govern-*
20 *ment of South Africa shall be designed to bring about reforms*
21 *in that system of government that will lead to the establish-*
22 *ment of a nonracial democracy.*

23 (b) *The United States will work toward this goal by*
24 *encouraging the Government of South Africa to—*

1 (1) *repeal the present state of emergency and re-*
2 *spect the principle of equal justice under law for citi-*
3 *zens of all races;*

4 (2) *release Nelson Mandela, Govan Mbeki,*
5 *Walter Sisulu, black trade union leaders, and all po-*
6 *litical prisoners;*

7 (3) *permit the free exercise by South Africans of*
8 *all races of the right to form political parties, express*
9 *political opinions, and otherwise participate in the po-*
10 *litical process;*

11 (4) *establish a timetable for the elimination of*
12 *apartheid laws;*

13 (5) *negotiate with representatives of all racial*
14 *groups in South Africa the future political system in*
15 *South Africa; and*

16 (6) *end military and paramilitary activities*
17 *aimed at neighboring states.*

18 (c) *The United States will encourage the actions set*
19 *forth in subsection (b) through economic, political, and diplo-*
20 *matic measures as set forth in this Act. The United States*
21 *will adjust its actions toward the Government of South*
22 *Africa to reflect the progress or lack of progress made by the*
23 *Government of South Africa in meeting the goal set forth in*
24 *subsection (a).*

1 *POLICY TOWARD THE VICTIMS OF APARTHEID*

2 *SEC. 102. (a) The United States policy toward the vic-*
3 *tims of apartheid is to use economic, political, diplomatic,*
4 *and other effective means to achieve the removal of the root*
5 *cause of their victimization, which is the apartheid system.*
6 *In anticipation of the removal of the system of apartheid and*
7 *as a further means of challenging that system, it is the policy*
8 *of the United States to assist these victims of apartheid as*
9 *individuals and through organizations to overcome the handi-*
10 *caps imposed on them by the system of apartheid and to help*
11 *prepare them for their rightful roles as full participants in the*
12 *political, social, economic, and intellectual life of their coun-*
13 *try in the post-apartheid South Africa envisioned by this Act.*

14 *(b) The United States will work toward the purposes of*
15 *subsection (a) by—*

16 *(1) providing assistance to South African victims*
17 *of apartheid without discrimination by race, color, sex,*
18 *religious belief, or political orientation, to take advan-*
19 *tage of educational opportunities in South Africa and*
20 *in the United States to prepare for leadership positions*
21 *in a post-apartheid South Africa;*

22 *(2) assisting victims of apartheid;*

23 *(3) aiding individuals or groups in South Africa*
24 *whose goals are to aid victims of apartheid or foster*

55

1 *nonviolent legal or political challenges to the apartheid*
 2 *laws;*

3 *(4) furnishing direct financial assistance to those*
 4 *whose nonviolent activities had led to their arrest or de-*
 5 *tention by the South African authorities;*

6 *(5) intervening at the highest political levels in*
 7 *South Africa to express the strong desire of the United*
 8 *States to see the development in South Africa of a*
 9 *nonracial democratic society; and*

10 *(6) supporting the rights of the victims of apart-*
 11 *heid through political, economic, or other sanctions in*
 12 *the event the Government of South Africa fails to*
 13 *make progress toward the removal of the apartheid*
 14 *laws and the establishment of such democracy.*

15 **POLICY TOWARD OTHER COUNTRIES IN SOUTHERN**

16 **AFRICA**

17 *SEC. 103. (a) The United States policy toward the*
 18 *other countries in the Southern African region shall be de-*
 19 *signed to encourage democratic forms of government, full re-*
 20 *spect for human rights, political independence, and economic*
 21 *development.*

22 *(b) The United States will work toward the purposes of*
 23 *subsection (a) by—*

24 *(1) helping to secure the independence of Namibia*
 25 *and the establishment of Namibia as a nonracial de-*

1 *mocracy in accordance with appropriate United Na-*
2 *tions Security Council resolutions;*

3 *(2) supporting the removal of all foreign military*
4 *forces from the region;*

5 *(3) encouraging the nations of the region to settle*
6 *differences through peaceful means;*

7 *(4) promoting economic development through bilat-*
8 *eral and multilateral economic assistance targeted at*
9 *increasing opportunities in the productive sectors of na-*
10 *tional economies, with a particular emphasis on in-*
11 *creasing opportunities for nongovernmental economic*
12 *activities;*

13 *(5) encouraging, and when necessary, strongly de-*
14 *manding, that all countries of the region respect the*
15 *human rights of their citizens and noncitizens residing*
16 *in the country, and especially the release of persons*
17 *persecuted for their political beliefs or detained without*
18 *trial; and*

19 *(6) providing appropriate assistance, within the*
20 *limitations of American responsibilities at home and in*
21 *other regions, to assist regional economic cooperation*
22 *and the development of interregional transportation and*
23 *other capital facilities necessary for economic growth.*

24 *POLICY TOWARD "FRONTLINE" STATES*

25 *SEC. 104. It is the sense of the Congress that the Presi-*
26 *dent should discuss with the governments of the African*

1 *"frontline" states the effects on them of disruptions in trans-*
2 *portation or other economic links through South Africa and*
3 *of means of reducing those effects.*

4 *POLICY TOWARD A NEGOTIATED SETTLEMENT*

5 *SEC. 105. (a)(1) United States policy will seek to pro-*
6 *mote negotiations among representatives of all citizens of*
7 *South Africa to determine a future political system that*
8 *would permit all citizens to be full participants in the govern-*
9 *ance of their country. The United States recognizes that im-*
10 *portant and legitimate political parties in South Africa in-*
11 *clude several organizations that have been banned and will*
12 *work for the unbanning of such organizations in order to*
13 *permit legitimate political viewpoints to be represented at*
14 *such negotiations.*

15 *(2) To this end, it is the sense of the Congress that the*
16 *President, the Secretary of State, or other appropriate high-*
17 *level United States officials should meet with the leaders of*
18 *opposition organizations of South Africa, particularly but not*
19 *limited to those organizations representing the black majori-*
20 *ty. Furthermore, the President, in concert with the major*
21 *allies of the United States and other interested parties,*
22 *should seek to bring together opposition political leaders with*
23 *leaders of the Government of South Africa for the purpose of*
24 *negotiations to achieve a transition to the post-apartheid de-*
25 *mocracy envisioned in this Act.*

1 ***(b) The United States will encourage the Government of***
2 ***South Africa and all participants to the negotiations to re-***
3 ***spect the right of all South Africans to form political parties,***
4 ***express political opinions, and otherwise participate in the***
5 ***political process without fear of retribution by either govern-***
6 ***mental or nongovernmental organizations. It is the sense of***
7 ***the Congress that a suspension of violence is an essential***
8 ***precondition for the holding of negotiations. The United***
9 ***States calls upon all parties to the conflict to agree to a sus-***
10 ***pension of violence.***

11 ***(c) The United States will work toward the achievement***
12 ***of agreement to suspend violence and begin negotiations***
13 ***through coordinated actions with the major Western allies***
14 ***and with the governments of the countries in the region.***

15 ***(d) It is the sense of the Congress that the achievement***
16 ***of an agreement for negotiations could be promoted if the***
17 ***United States and its major allies, such as Great Britain,***
18 ***Canada, France, Italy, Japan, and West Germany, would***
19 ***hold a meeting to develop a four-point plan to discuss with***
20 ***the Government of South Africa a proposal for stages of mul-***
21 ***tilateral assistance to South Africa in return for the Govern-***
22 ***ment of South Africa implementing—***

23 ***(1) an end to the state of emergency and the re-***
24 ***lease of the political prisoners, including Nelson Man-***
25 ***dela;***

1 (2) *the unbanning of the African National Con-*
2 *gress, the Pan African Congress, the Black Conscious-*
3 *ness Movement, and all other groups willing to partici-*
4 *pate in negotiations and a democratic process;*

5 (3) *a revocation of the Group Areas Act and the*
6 *Population Registration Act and the granting of uni-*
7 *versal citizenship to all South Africans, including*
8 *homeland residents; and*

9 (4) *the use of the international offices of a third*
10 *party as an intermediary to bring about negotiations*
11 *with the object of the establishment of power-sharing*
12 *with the black majority.*

13 *POLICY TOWARD INTERNATIONAL COOPERATION ON*
14 *MEASURES TO END APARTHEID*

15 *SEC. 106. (a) The Congress finds that—*

16 (1) *international cooperation is a prerequisite to*
17 *an effective anti-apartheid policy; and*

18 (2) *the situation in South Africa constitutes an*
19 *emergency in international relations and that action is*
20 *necessary for the protection of the essential security in-*
21 *terests of the United States.*

22 *(b) Accordingly, the Congress urges the President to*
23 *seek such cooperation among all individuals, groups, and na-*
24 *tions.*

1 *POLICY TOWARD NECKLACING*

2 *SEC. 107. It is the sense of the Congress that the Afri-*
3 *can National Congress should strongly condemn and take*
4 *effective actions against the execution by fire, commonly*
5 *known as "necklacing", of any person in any country.*

6 *TITLE II—MEASURES TO ASSIST VICTIMS OF*
7 *APARTHEID*

8 *SCHOLARSHIPS FOR THE VICTIMS OF APARTHEID*

9 *SEC. 201. Section 105(b) of the Foreign Assistance Act*
10 *of 1961 is amended—*

11 *(1) by inserting "(1)" after "(b)"; and*

12 *(2) by adding at the end thereof the following new*
13 *paragraph:*

14 *"(2)(A) Of the assistance provided under this section by*
15 *the Administrator of the agency primarily responsible for ad-*
16 *ministering this part of this Act—*

17 *"(i) for the fiscal year 1987, \$8,000,000;*

18 *"(ii) for the fiscal year 1988, \$11,000,000; and*

19 *"(iii) for the fiscal year 1989 and each fiscal*
20 *year thereafter, \$15,000,000,*

21 *shall be used to finance education, training, and scholarships*
22 *for the victims of apartheid who are attending universities,*
23 *colleges, and secondary schools in South Africa and who are*
24 *selected in accordance with subparagraph (B). Of the funds*
25 *available under the preceding sentence to carry out this sub-*

1 *paragraph, not less than one-third shall be available only for*
 2 *assistance to full-time teachers or other educational profes-*
 3 *sionals pursuing studies toward the improvement of their pro-*
 4 *fessional credentials.*

5 “(B) *Of the funds provided in subparagraph (A) for*
 6 *each fiscal year, 50 percent shall be available for educational*
 7 *assistance for the victims of apartheid in accordance with*
 8 *section 802(c) of the International Security and Develop-*
 9 *ment Cooperation Act of 1985. The remainder of the funds in*
 10 *each fiscal year which are not made available under the pre-*
 11 *ceding sentence shall be available to finance scholarships for*
 12 *individuals selected by a nationwide panel or by regional*
 13 *panels composed solely of members of the teaching profession*
 14 *appointed by the United States chief of diplomatic mission to*
 15 *South Africa. No such individual may be selected through*
 16 *any contract entered into with the agency primarily responsi-*
 17 *ble for administering this part of this Act.”.*

18 *HUMAN RIGHTS FUND*

19 *SEC. 202. (a) Section 116(e)(2)(A) of the Foreign As-*
 20 *sistance Act of 1961 is amended—*

21 *(1) by striking out “1984 and” and inserting in*
 22 *lieu thereof “1984,”; and*

23 *(2) by inserting after “1985” a comma and the*
 24 *following: “and \$1,500,000 for the fiscal year 1986*
 25 *and for each fiscal year thereafter”.*

1 (b) Section 116 of such Act is amended by adding at the
2 end thereof the following new subsection:

3 “(f) Of the funds made available to carry out subsection
4 (e)(2)(A) for each fiscal year, \$350,000 shall be used for
5 direct legal and other assistance to political detainees and
6 prisoners and their families, including the investigation of
7 the killing of protesters and prisoners, and for support for
8 actions of black-led community organizations to resist,
9 through nonviolent means, the enforcement of apartheid poli-
10 cies such as—

11 “(1) removal of black populations from certain ge-
12 ographic areas on account of race or ethnic origin,

13 “(2) denationalization of blacks, including any
14 distinctions between the South African citizenships of
15 blacks and whites,

16 “(3) residence restrictions based on race or ethnic
17 origin,

18 “(4) restrictions on the rights of blacks to seek
19 employment in South Africa and to live wherever they
20 find employment in South Africa, and

21 “(5) restrictions which make it impossible for
22 black employees and their families to be housed in
23 family accommodations near their place of employ-
24 ment.”.

1 *EXPANDING PARTICIPATION IN THE SOUTH AFRICAN*
2 *ECONOMY*

3 *SEC. 203. (a) The Congress declares that—*

4 *(1) the denial under the apartheid laws of South*
5 *Africa of the rights of South African blacks and other*
6 *nonwhites to have the opportunity to participate equita-*
7 *bly in the South African economy as managers or*
8 *owners of, or professionals in, business enterprises, and*

9 *(2) the policy of confining South African blacks*
10 *and other nonwhites to the status of employees in mi-*
11 *nority-dominated businesses,*
12 *is an affront to the values of a free society.*

13 *(b) The Congress hereby—*

14 *(1) applauds the commitment of nationals of the*
15 *United States adhering to the Code of Conduct to*
16 *assure that South African blacks and other nonwhites*
17 *are given assistance in gaining their rightful place in*
18 *the South African economy; and*

19 *(2) urges the United States Government to assist*
20 *in all appropriate ways the realization by South Afri-*
21 *can blacks and other nonwhites of their rightful place*
22 *in the South African economy.*

23 *(c) Notwithstanding any other provision of law, the Sec-*
24 *retary of State and any other head of a department or agency*
25 *of the United States carrying out activities in South Africa*

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1 *shall, to the maximum extent practicable, in procuring goods*
 2 *or services, make affirmative efforts to assist business enter-*
 3 *prises having more than 50 percent beneficial ownership by*
 4 *South African blacks or other nonwhite South Africans.*

5 *EXPORT-IMPORT BANK OF THE UNITED STATES*

6 *SEC. 204. Section 2(b)(9) of the Export-Import Bank*
 7 *Act of 1945 is amended—*

8 *(1) by striking out “(9) In” and inserting in lieu*
 9 *thereof “(9)(A) Except as provided in subparagraph*
 10 *(B), in”; and*

11 *(2) by adding at the end thereof the following:*

12 *“(B) The Bank shall take active steps to encourage the*
 13 *use of its facilities to guarantee, insure, extend credit, or par-*
 14 *ticipate in the extension of credit to business enterprises in*
 15 *South Africa that are majority owned by South African*
 16 *blacks or other nonwhite South Africans. The certification*
 17 *requirement contained in clause (c) of subparagraph (A)*
 18 *shall not apply to exports to or purchases from business en-*
 19 *terprises which are majority owned by South African blacks*
 20 *or other nonwhite South Africans.”.*

21 *LABOR PRACTICES OF THE UNITED STATES GOVERNMENT*

22 *IN SOUTH AFRICA*

23 *SEC. 205. (a) It is the sense of the Congress that the*
 24 *labor practices used by the United States Government—*

25 *(1) for the direct hire of South Africans,*

1 (2) for the reimbursement out of official residence
2 funds of South Africans and employees of South Afri-
3 can organizations for their long-term employment serv-
4 ices on behalf of the United States Government, and

5 (3) for the employment services of South Africans
6 arranged by contract,

7 should represent the best of labor practices in the United
8 States and should serve as a model for the labor practices of
9 nationals of the United States in South Africa.

10 (b) The Secretary of State and any other head of a de-
11 partment or agency of the United States carrying out activi-
12 ties in South Africa shall promptly take, to the extent permit-
13 ted by law, the necessary steps to ensure that the labor prac-
14 tices applied to the employment services described in para-
15 graphs (1) through (3) of subsection (a) are governed by the
16 Code of Conduct.

17 WELFARE AND PROTECTION OF VICTIMS OF APARTHEID

18 BY THE UNITED STATES

19 SEC. 206. (a) The Secretary of State shall acquire,
20 through lease or purchase, residential properties in the Re-
21 public of South Africa that shall be made available, at rents
22 that are equitable, to assist victims of apartheid who are em-
23 ployees of the United States Government in obtaining ade-
24 quate housing. Such properties shall be acquired only in
25 neighborhoods which would be open to occupancy by other
26 employees of the United States Government in South Africa.

1 ***(b) There are authorized to be appropriated \$10,000,000***
2 ***for the fiscal year 1987 to carry out the purposes of this***
3 ***section.***

4 **EMPLOYMENT PRACTICES OF UNITED STATES NATIONALS**
5 **IN SOUTH AFRICA**

6 ***SEC. 207. (a) Any national of the United States that***
7 ***employs more than 25 persons in South Africa shall take the***
8 ***necessary steps to insure that the Code of Conduct is imple-***
9 ***mented.***

10 ***(b) No department or agency of the United States may***
11 ***intercede with any foreign government or foreign national re-***
12 ***garding the export marketing activities in any country of any***
13 ***national of the United States employing more than 25 per-***
14 ***sons in South Africa that is not implementing the Code of***
15 ***Conduct.***

16 **CODE OF CONDUCT**

17 ***SEC. 208. (a) The Code of Conduct referred to in sec-***
18 ***tions 203, 205, 207, and 603 of this Act is as follows:***

19 ***(1) desegregating the races in each employment***
20 ***facility;***

21 ***(2) providing equal employment opportunity for***
22 ***all employees without regard to race or ethnic origin;***

23 ***(3) assuring that the pay system is applied to all***
24 ***employees without regard to race or ethnic origin;***

25 ***(4) establishing a minimum wage and salary***
26 ***structure based on the appropriate local minimum eco-***

1 *nomie level which takes into account the needs of em-*
2 *ployees and their families;*

3 *(5) increasing by appropriate means the number*
4 *of persons in managerial, supervisory, administrative,*
5 *clerical, and technical jobs who are disadvantaged by*
6 *the apartheid system for the purpose of significantly*
7 *increasing their representation in such jobs;*

8 *(6) taking reasonable steps to improve the quality*
9 *of employees' lives outside the work environment with*
10 *respect to housing, transportation, schooling, recreation,*
11 *and health; and*

12 *(7) implementing fair labor practices by recogniz-*
13 *ing the right of all employees, regardless of racial or*
14 *other distinctions, to self-organization and to form,*
15 *join, or assist labor organizations, freely and without*
16 *penalty or reprisal, and recognizing the right to refrain*
17 *from any such activity.*

18 *(b) It is the sense of the Congress that in addition to the*
19 *principles enumerated in subsection (a), nationals of the*
20 *United States subject to section 207 should seek to comply*
21 *with the following principle: taking reasonable measures to*
22 *extend the scope of influence on activities outside the work-*
23 *place, including—*

24 *(1) supporting the unrestricted rights of black*
25 *businesses to locate in urban areas;*

1 (2) *influencing other companies in South Africa*
2 *to follow the standards of equal rights principles;*

3 (3) *supporting the freedom of mobility of black*
4 *workers to seek employment opportunities wherever*
5 *they exist, and make provision for adequate housing*
6 *for families of employees within the proximity of work-*
7 *ers' employment; and*

8 (4) *supporting the rescission of all apartheid laws.*

9 (c) *The President may issue additional guidelines and*
10 *criteria to assist persons who are or may be subject to section*
11 *207 in complying with the principles set forth in subsection*
12 *(a) of this section. The President may, upon request, give an*
13 *advisory opinion to any person who is or may be subject to*
14 *this section as to whether that person is subject to this section*
15 *or would be considered to be in compliance with the princi-*
16 *ples set forth in subsection (a).*

17 (d) *The President may require all nationals of the*
18 *United States referred to in section 207 to register with the*
19 *United States Government.*

20 (e) *Notwithstanding any other provision of law, the*
21 *President may enter into contracts with one or more private*
22 *organizations or individuals to assist in implementing this*
23 *section.*

24 *PROHIBITION ON ASSISTANCE*

25 *SEC. 209. No assistance may be provided under this*
26 *Act to any group which maintains within its ranks any indi-*

1 *vidual who has been found to engage in gross violations of*
 2 *internationally recognized human rights (as defined in sec-*
 3 *tion 502B(d)(1) of the Foreign Assistance Act of 1961).*

4 *USE OF THE AFRICAN EMERGENCY RESERVE*

5 *SEC. 210. Whenever the President determines that such*
 6 *action is necessary or appropriate to meet food shortages in*
 7 *southern Africa, the President is authorized to utilize the ex-*
 8 *isting, authorized, and funded reserve entitled the "Emergen-*
 9 *cy Reserve for African Famine Relief" to provide food assist-*
 10 *ance and transportation for that assistance.*

11 *TITLE III—MEASURES BY THE UNITED*
 12 *STATES TO UNDERMINE APARTHEID*

13 *PROHIBITION ON THE IMPORTATION OF KRUGERRANDS*

14 *SEC. 301. No person, including a bank, may import*
 15 *into the United States any South African krugerrand or any*
 16 *other gold coin minted in South Africa or offered for sale by*
 17 *the Government of South Africa.*

18 *PROHIBITION ON THE IMPORTATION OF MILITARY*

19 *ARTICLES*

20 *SEC. 302. No arms, ammunition, or military vehicles*
 21 *produced in South Africa or any manufacturing data for*
 22 *such articles may be imported into the United States.*

23 *PROHIBITION ON THE IMPORTATION OF PRODUCTS FROM*
 24 *PARASTATAL ORGANIZATIONS*

25 *SEC. 303. (a) Notwithstanding any other provision of*
 26 *law, no article which is grown, produced, or manufactured by*

1 *a parastatal organization of South Africa may be imported*
2 *into the United States, except for those strategic minerals for*
3 *which the President has certified to the Congress that the*
4 *quantities essential for the economy or defense of the United*
5 *States are unavailable from reliable and secure suppliers.*

6 *(b) For purposes of this section, the term "parastatal*
7 *organization" means a corporation or partnership owned or*
8 *controlled by the Government of South Africa.*

9 *PROHIBITION ON COMPUTER EXPORTS TO SOUTH AFRICA*

10 *SEC. 304. (a) No computers, computer software, or*
11 *goods or technology intended to manufacture or service com-*
12 *puters may be exported to or for use by any of the following*
13 *entities of the Government of South Africa:*

14 *(1) The military.*

15 *(2) The police.*

16 *(3) The prison system.*

17 *(4) The national security agencies.*

18 *(5) ARMSCOR and its subsidiaries or the weap-*
19 *ons research activities of the Council for Scientific and*
20 *Industrial Research.*

21 *(6) The administering authorities for controlling*
22 *the movements of the victims of apartheid.*

23 *(7) Any apartheid enforcing agency.*

24 *(8) Any local, regional, or homelands government*
25 *entity which performs any function of any entity de-*
26 *scribed in paragraphs (1) through (7).*

1 ***(b)(1) Computers, computer software, and goods or tech-***
2 *nology intended to service computers may be exported, direct-*
3 *ly or indirectly, to or for use by an entity of the Government*
4 *of South Africa other than those set forth in subsection (a)*
5 *only if a system of end use verification is in effect to ensure*
6 *that the computers involved will not be used for any function*
7 *of any entity set forth in subsection (a).*

8 ***(2) The Secretary of Commerce may prescribe such***
9 *rules and regulations as may be necessary to carry out this*
10 *section.*

11 ***PROHIBITION ON LOANS TO THE GOVERNMENT OF SOUTH***
12 ***AFRICA***

13 ***SEC. 305. (a) No national of the United States may***
14 *make or approve any loan or other extension of credit, direct-*
15 *ly or indirectly, to the Government of South Africa or to any*
16 *corporation, partnership or other organization which is owned*
17 *or controlled by the Government of South Africa.*

18 ***(b) The prohibition contained in subsection (a) shall not***
19 *apply to—*

20 ***(1) a loan or extension of credit for any educa-***
21 *tion, housing, or humanitarian benefit which—*

22 ***(A) is available to all persons on a nondis-***
23 *criminatory basis; or*

24 ***(B) is available in a geographic area accessi-***
25 *ble to all population groups without any legal or*
26 *administrative restriction; or*

1 (2) a loan or extension of credit for which an
2 agreement is entered into before the date of enactment
3 of this Act.

4 *PROHIBITION ON AIR TRANSPORTATION WITH SOUTH*
5 *AFRICA*

6 *SEC. 306. (a)(1) The Secretary of State shall terminate*
7 *the Agreement Between the Government of the United States*
8 *of America and the Government of the Union of South*
9 *Africa Relating to Air Services Between Their Respective*
10 *Territories, signed May 23, 1947, in accordance with the*
11 *provisions of that agreement.*

(2) Upon termination of such agreement, the Secretary of Transportation shall prohibit any aircraft of a foreign air carrier owned, directly or indirectly, by the Government of South Africa or by South African nationals from engaging in air transportation with respect to the United States.

17 (b) *The Secretary of Transportation may provide for*
18 *such exceptions from the prohibition contained in subsection*
19 *(a) as the Secretary considers necessary to provide for emer-*
20 *gencies in which the safety of an aircraft or its crew or pas-*
21 *sengers is threatened.*

(c) For purposes of this section, the terms "aircraft",
"air transportation", and "foreign air carrier" have the
meanings given those terms in section 101 of the Federal
Aviation Act of 1958 (49 U.S.C. 1301).

1 *PROHIBITIONS ON NUCLEAR TRADE WITH SOUTH AFRICA*

2 *SEC. 307. (a) Notwithstanding any other provision of*
3 *law—*

4 *(1) the Nuclear Regulatory Commission shall not*
5 *issue any license for the export to South Africa of pro-*
6 *duction or utilization facilities, any source or special*
7 *nuclear material or sensitive nuclear technology, or*
8 *any component parts, items, or substances which the*
9 *Commission has determined, pursuant to section 109b.*
10 *of the Atomic Energy Act, to be especially relevant*
11 *from the standpoint of export control because of their*
12 *significance for nuclear explosive purposes;*

13 *(2) the Secretary of Commerce shall not issue*
14 *any license for the export to South Africa of any goods*
15 *or technology which have been determined, pursuant to*
16 *section 309(c) of the Nuclear Non-Proliferation Act of*
17 *1978, to be of significance for nuclear explosive pur-*
18 *poses for use in, or judged by the President to be likely*
19 *to be diverted to, a South African production or utili-*
20 *zation facility;*

21 *(3) the Secretary of Energy shall not, under sec-*
22 *tion 57b.(2) of the Atomic Energy Act, authorize any*
23 *person to engage, directly or indirectly, in the produc-*
24 *tion of special nuclear material in South Africa; and*

1 (4) *no goods, technology, source or special nuclear*
2 *material, facilities, components, items, or substances*
3 *referred to in clauses (1) through (3) shall be approved*
4 *by the Nuclear Regulatory Commission or an execu-*
5 *tive branch agency for retransfer to South Africa,*
6 *unless the Secretary of State determines and certifies to the*
7 *Speaker of the House of Representatives and the chairman of*
8 *the Committee on Foreign Relations of the Senate that the*
9 *Government of South Africa is a party to the Treaty on the*
10 *Non-Proliferation of Nuclear Weapons, done at Washington,*
11 *London, and Moscow on July 1, 1968, or otherwise main-*
12 *tains International Atomic Energy Agency safeguards on all*
13 *its peaceful nuclear activities, as defined in the Nuclear Non-*
14 *Proliferation Act of 1978.*

15 (b) *Nothing in this section shall preclude—*

16 (1) *any export, retransfer, or activity generally li-*
17 *censed or generally authorized by the Nuclear Regula-*
18 *tory Commission or the Department of Commerce or*
19 *the Department of Energy; or*

20 (2) *assistance for the purpose of developing or ap-*
21 *plying International Atomic Energy Agency or United*
22 *States bilateral safeguards, for International Atomic*
23 *Energy Agency programs generally available to its*
24 *member states, for reducing the use of highly enriched*
25 *uranium in research or test reactors, or for other tech-*

75

1 *nical programs for the purpose of reducing proliferation*
2 *risks, such as programs to extend the life of reactor*
3 *fuel and activities envisaged by section 223 of the Nu-*
4 *clear Waste Policy Act of 1982 or which are necessary*
5 *for humanitarian reasons to protect the public health*
6 *and safety.*

7 *(c) The prohibitions contained in subsection (a) shall*
8 *not apply with respect to a particular export, retransfer, or*
9 *activity, or a group of exports, retransfers, or activities, if the*
10 *President determines that to apply the prohibitions would be*
11 *seriously prejudicial to the achievement of United States*
12 *nonproliferation objectives or would otherwise jeopardize the*
13 *common defense and security of the United States and, if at*
14 *least 60 days before the initial export, retransfer, or activity*
15 *is carried out, the President submits to the Speaker of the*
16 *House of Representatives and the chairman of the Committee*
17 *on Foreign Relations of the Senate a report setting forth that*
18 *determination, together with his reasons therefor.*

19 *RESTRICTIONS ON ISSUANCE OF VISAS TO SOUTH*

20 *AFRICAN NATIONALS*

21 *SEC. 308. (a) The Congress finds that—*

22 *(1) American journalists, scholars, and clergy,*
23 *among others, have experienced problems in obtaining*
24 *visas to visit South Africa; and*

25 *(2) South African officials may have visited the*
26 *United States to gather, surreptitiously, information*

1 *useful in circumventing the international arms embar-*
2 *go in effect against South Africa.*

3 *(b)(1) Notwithstanding any other provision of law, the*
4 *President shall define a class of persons consisting of all offi-*
5 *cials of the Government of South Africa, including individ-*
6 *uals performing services for the Government of South Africa,*
7 *and members of their immediate families.*

8 *(2) On or after the date of enactment of this Act, no visa*
9 *for admission to the United States may be issued to any*
10 *individual in such class except on a case-by-case basis in the*
11 *discretion of the Secretary of State.*

12 *(3) No visa issued before the date of enactment of this*
13 *Act to a nonimmigrant alien described in section*
14 *101(a)(15)(A) of the Immigration and Nationality Act shall*
15 *be valid after a date which is 30 days after the date of enact-*
16 *ment of this Act, unless such visa is sooner renewed.*

17 *SALES OF GOLD STOCKS*

18 *SEC. 309. Whenever the President determines that such*
19 *action is necessary or appropriate to affect the price of gold*
20 *on the world markets and thereby to carry out the purpose of*
21 *this Act, the President is authorized to sell United States*
22 *gold stocks on the open market and to engage in other trans-*
23 *actions involving gold in such manner as the President may*
24 *prescribe.*

1 **GOVERNMENT OF SOUTH AFRICA BANK ACCOUNTS**

2 *SEC. 310. (a) A United States depository institution*
3 *may not accept, receive, or hold a deposit account from the*
4 *Government of South Africa or from any agency or entity*
5 *owned or controlled by the Government of South Africa*
6 *except for such accounts which may be authorized by the*
7 *President for diplomatic or consular purposes. For purposes*
8 *of the preceding sentence, the term "depository institution"*
9 *has the same meaning as in section 19(b)(1) of the Federal*
10 *Reserve Act.*

11 *(b) The prohibition contained in subsection (a) shall*
12 *take effect 45 days after the date of enactment of this Act.*

13 **PROHIBITION ON IMPORTATION OF URANIUM AND COAL**
14 **FROM SOUTH AFRICA**

15 *SEC. 311. (a) Notwithstanding any other provision of*
16 *law, no—*

- 17 *(1) uranium ore,*
18 *(2) uranium oxide, or*
19 *(3) coal,*

20 *that is produced or manufactured in South Africa may be*
21 *imported into the United States.*

22 *(b) This section shall take effect 90 days after the date*
23 *of enactment of this Act.*

1 *PROHIBITION ON NEW INVESTMENT IN SOUTH AFRICA*

2 *SEC. 312. (a) No national of the United States may,*
3 *directly or through another person, make any new investment*
4 *in South Africa.*

5 *(b) The prohibition contained in subsection (a) shall*
6 *take effect 30 days after the date of enactment of this Act.*

7 *TERMINATION OF CERTAIN PROVISIONS*

8 *SEC. 313. (a) The provisions of sections 301 through*
9 *312 and sections 501(c) and 503(b) shall terminate if the*
10 *Government of South Africa—*

11 *(1) releases other political prisoners and Nelson*
12 *Mandela from prison;*

13 *(2) repeals the state of emergency in effect on the*
14 *date of enactment of this Act and releases all detainees*
15 *held under such state of emergency;*

16 *(3) unbans democratic political parties;*

17 *(4) repeals the Group Areas and Population Reg-*
18 *istration Acts; and*

19 *(5) publicly commits itself to good faith negotia-*
20 *tions with truly representative members of the black*
21 *majority without preconditions.*

22 *(b) The President may suspend or modify any of the*
23 *measures required by sections 301 through 312 or section*
24 *501(c) or section 503(b) thirty days after he determines, and*
25 *so reports to the Speaker of the House of Representatives and*

1 *the chairman of the Committee on Foreign Relations of the*
2 *Senate, that the Government of South Africa has—*

3 *(1) taken the action described in paragraph (1) of*
4 *subsection (a),*

5 *(2) taken three of the four actions listed in para-*
6 *graphs (2) through (5) of subsection (a), and*

7 *(3) made substantial progress toward dismantling*
8 *the system of apartheid and establishing a nonracial*
9 *democracy,*

10 *unless the Congress enacts within such thirty-day period, in*
11 *accordance with section 602 of this Act, a joint resolution*
12 *disapproving the determination of the President under this*
13 *subsection.*

14 *TITLE IV—MULTILATERAL MEASURES TO*
15 *UNDERMINE APARTHEID*

16 *NEGOTIATING AUTHORITY*

17 *SEC. 401. (a)(1) It is the policy of the United States to*
18 *seek international cooperation with the industrialized democ-*
19 *racies on measures which will encourage an end to apartheid.*
20 *The net economic effect of such cooperation should be at least*
21 *equal to the net economic effect of the measures imposed by*
22 *this Act.*

23 *(2) For purposes of paragraph (1), the term “net eco-*
24 *nomie effect” means the cumulative impact on the South Af-*

1 *rican economy as a whole of the measures imposed under this*
2 *sections 301 through 312.*

3 *(b) Negotiations to reach international cooperative ar-*
4 *rangements with the other industrialized democracies should*
5 *begin promptly and should be concluded not later than 180*
6 *days after the date of enactment of this Act.*

7 *(c) If the President successfully concludes an interna-*
8 *tional agreement on measures described in subsection (a), he*
9 *may, 30 days after the text of such agreement has been re-*
10 *ceived by the Congress, adjust, modify, or otherwise amend*
11 *the measures imposed under any provision of sections 301*
12 *through 312 to conform with such agreement.*

13 *(d) Each agreement submitted to the Congress under*
14 *this subsection shall enter into force with respect to the*
15 *United States if (and only if)—*

16 *(1) the President, not less than 30 days before the*
17 *day on which he enters into such agreement, notifies*
18 *the House of Representatives and the Senate of his in-*
19 *tention to enter into such an agreement, and promptly*
20 *thereafter publishes notice of such intention in the Fed-*
21 *eral Register;*

22 *(2) after entering into the agreement, the Presi-*
23 *dent transmits a document to the House of Representa-*
24 *tives and to the Senate containing a copy of the final*
25 *text of such agreement together with—*

1 (A) a description of any administrative
2 action proposed to implement such agreement and
3 an explanation as to how the proposed adminis-
4 trative action would change or affect existing law,
5 and

6 (B) a statement of his reasons as to how the
7 agreement serves the interest of United States for-
8 eign policy and as to why the proposed adminis-
9 trative action is required or appropriate to carry
10 out the agreement; and

11 (3) a joint resolution of disapproval has not been
12 adopted within 30 days of transmittal of such docu-
13 ment to the Congress.

14 UNFAIR TRADE PRACTICES

15 SEC. 402. The Congress declares that it shall be an
16 unfair trade practice under section 301(a)(1)(B)(ii) of the
17 Trade Act of 1974 for any foreign person, partnership, or
18 corporation to benefit from or otherwise take commercial ad-
19 vantage of any sanction or prohibition against any national
20 of the United States imposed by or under this Act.

21 PRIVATE RIGHT OF ACTION

22 SEC. 403. (a) Any national of the United States who is
23 required by this Act to terminate or curtail business activities
24 in South Africa may bring a civil action for damages against
25 any person, partnership, or corporation that takes commercial

1 *twelve months thereafter, a report on the extent to which sig-*
2 *nificant progress has been made toward ending the system of*
3 *apartheid, including—*

4 (1) *an assessment of the extent to which the Gov-*
5 *ernment of South Africa has taken the steps set forth*
6 *in section 101(b) of this Act;*

7 (2) *an analysis of any other actions taken by the*
8 *Government of South Africa in ending the system of*
9 *apartheid and moving toward a nonracial democracy;*
10 *and*

11 (3) *the progress, or lack of progress, made in*
12 *reaching a negotiated settlement to the conflict in*
13 *South Africa.*

14 (c) *If the President determines that significant progress*
15 *has not been made by the Government of South Africa in*
16 *ending the system of apartheid and establishing a nonracial*
17 *democracy, the President shall include in the report required*
18 *by subsection (b) a recommendation on which of the following*
19 *additional measures should be imposed:*

20 (1) *a prohibition on the importation of steel from*
21 *South Africa;*

22 (2) *a prohibition on military assistance to those*
23 *countries that the report required by section 507 identi-*
24 *fies as continuing to circumvent the international em-*

1 *bargo on arms and military technology to South*
2 *Africa;*

3 *(3) a prohibition on the importation of food, agri-*
4 *cultural products, diamonds, and textiles from South*
5 *Africa;*

6 *(4) a prohibition on United States banks accept-*
7 *ing, receiving, or holding deposit accounts from South*
8 *African nationals; and*

9 *(5) a prohibition on the importation into the*
10 *United States of strategic minerals from South Africa.*

11 *(d) A joint resolution which would enact part or all of*
12 *the measures recommended by the President pursuant to sub-*
13 *section (c) shall be considered in accordance with the provi-*
14 *sions of section 602 of this Act.*

15 *STUDY OF HEALTH CONDITIONS IN THE "HOMELANDS"*

16 *AREAS OF SOUTH AFRICA*

17 *SEC. 502. The Secretary of State shall conduct a study*
18 *to examine the state of health conditions and to determine the*
19 *extent of starvation and malnutrition now prevalent in the*
20 *"homelands" areas of South Africa and shall, not later than*
21 *December 1, 1986, prepare and transmit to the Speaker of*
22 *the House of Representatives and the chairman of the Com-*
23 *mittee on Foreign Relations of the Senate a report setting*
24 *forth the results of such study.*

1 *REPORT ON SOUTH AFRICAN IMPORTS*

2 *SEC. 503. (a) Not later than 90 days after the date of*
3 *enactment of this Act, the President shall submit to the*
4 *Speaker of the House of Representatives and the chairman of*
5 *the Committee on Foreign Relations of the Senate a report*
6 *on the extent to which the United States is dependent on the*
7 *importation from South Africa of—*

8 (1) *chromium*,

9 (2) cobalt,

10 (3) *manganese,*

11 (4) *platinum group metals,*

12 (5) *ferroalloys, and*

13 (6) other strategic and critical materials (within
14 the meaning of the Strategic and Critical Materials
15 Stock Piling Act).

16 (b) *The President shall develop a program which re-*
17 *duces the dependence, if any, of the United States on the*
18 *importation from South Africa of the materials identified in*
19 *the report submitted under subsection (a).*

20 *STUDY AND REPORT ON THE ECONOMY OF SOUTHERN*
21 *AFRICA*

22 *SEC. 504. (a) The President shall conduct a study on*
23 *the role of American assistance in southern Africa to deter-*
24 *mine what needs to be done, and what can be done to expand*
25 *the trade, private investment, and transport prospects of*
26 *southern Africa's landlocked nations.*

1 (b) *Not later than 180 days after the date of enactment*
2 *of this Act, the President shall prepare and transmit to the*
3 *chairman of the Committee on Foreign Relations of the*
4 *House of Representatives and the chairman of the Committee*
5 *on Foreign Relations of the Senate a report setting forth the*
6 *findings of the study conducted under subsection (a).*

7 *REPORT ON RELATIONS BETWEEN OTHER*
8 *INDUSTRIALIZED DEMOCRACIES AND SOUTH AFRICA*

9 *SEC. 505. (a) Not later than 180 days after the date of*
10 *enactment of this Act, the President shall prepare and trans-*
11 *mit to the Speaker of the House of Representatives and the*
12 *chairman of the Committee on Foreign Relations of the*
13 *Senate a report containing a detailed assessment of the eco-*
14 *nomie and other relationships of other industrialized democ-*
15 *racies with South Africa. Such report shall be transmitted*
16 *without regard to whether or not the President successfully*
17 *concluded an international agreement under section 401.*

18 (b) *For purposes of this section, the phrase "economic*
19 *and other relationships" includes the same types of matters*
20 *as are described in sections 201, 202, 204, 205, 206, 207,*
21 *sections 301 through 308, and sections 311 and 312 of this*
22 *Act.*

23 *STUDY AND REPORT ON DEPOSIT ACCOUNTS OF SOUTH*
24 *AFRICAN NATIONALS IN UNITED STATES BANKS*

25 *SEC. 506. (a)(1) The Secretary of State shall conduct a*
26 *study on the feasibility of prohibiting each depository institu-*

1 *tion from accepting, receiving, or holding a deposit account*
2 *from any South African national.*

3 *(2) For purposes of paragraph (1), the term "depository*
4 *institution" has the same meaning as in section 19(b)(1) of*
5 *the Federal Reserve Act.*

6 *(b) Not later than 180 days after the date of enactment*
7 *of this Act, the Secretary of State shall submit to the Speak-*
8 *er of the House of Representatives and the chairman of the*
9 *Committee on Foreign Relations of the Senate a report de-*
10 *tailing the findings of the study required by subsection (a).*

11 *STUDY AND REPORT ON THE VIOLATION OF THE INTER-*
12 *NATIONAL EMBARGO ON SALE AND EXPORT OF MILI-*
13 *TARY ARTICLES TO SOUTH AFRICA*

14 *SEC. 507. (a) The President shall conduct a study on*
15 *the extent to which the international embargo on the sale and*
16 *exports of arms and military technology to South Africa is*
17 *being violated.*

18 *(b) Not later than 179 days after the date of enactment*
19 *of this Act, the President shall submit to the Speaker of the*
20 *House of Representatives and the chairman of the Committee*
21 *on Foreign Relations of the Senate a report setting forth the*
22 *findings of the study required by subsection (a), including an*
23 *identification of those countries engaged in such sale or*
24 *export, with a view to terminating United States military*
25 *assistance to those countries.*

1 *TITLE VI—ENFORCEMENT AND*
2 *ADMINISTRATIVE PROVISIONS*

3 *REGULATORY AUTHORITY*

4 *SEC. 601. The President shall issue such rules, regula-*
5 *tions, licenses, and orders as are necessary to carry out the*
6 *provisions of this Act, including taking such steps as may be*
7 *necessary to continue in effect the measures imposed by Ex-*
8 *ecutive Order 12532 of September 9, 1985, and Executive*
9 *Order 12535 of October 1, 1985, and by any rule, regula-*
10 *tion, license, or order issued thereunder (to the extent such*
11 *measures are not inconsistent with this Act).*

12 *CONGRESSIONAL PRIORITY PROCEDURES*

13 *SEC. 602. (a)(1) The provisions of this subsection*
14 *apply to the consideration in the House of Representatives of*
15 *a joint resolution under sections 313(b), 401(d), and 501(d).*

16 *(2) A joint resolution shall, upon introduction, be re-*
17 *ferred to the Committee on Foreign Affairs of the House of*
18 *Representatives.*

19 *(3)(A) At any time after the joint resolution placed on*
20 *the appropriate calendar has been on that calendar for a*
21 *period of 5 legislative days, it is in order for any Member of*
22 *the House (after consultation with the Speaker as to the most*
23 *appropriate time for the consideration of that joint resolution)*
24 *to move that the House resolve itself into the Committee of the*
25 *Whole House on the State of the Union for the consideration*
26 *of that joint resolution. The motion is highly privileged and*

1 *is in order even though a previous motion to the same effect*
2 *has been disagreed to. All points of order against the joint*
3 *resolution under clauses 2 and 6 of Rule XXI of the Rules of*
4 *the House are waived. If the motion is agreed to, the resolu-*
5 *tion shall remain the unfinished business of the House until*
6 *disposed of. A motion to reconsider the vote by which the*
7 *motion is disagreed to shall not be in order.*

8 *(B) Debate on the joint resolution shall not exceed ten*
9 *hours, which shall be divided equally between a Member fa-*
10 *voring and a Member opposing the joint resolution. A motion*
11 *to limit debate is in order at any time in the House or in the*
12 *Committee of the Whole and is not debatable.*

13 *(C) An amendment to the joint resolution is not in*
14 *order.*

15 *(D) At the conclusion of the debate on the joint resolu-*
16 *tion, the Committee of the Whole shall rise and report the*
17 *joint resolution back to the House, and the previous question*
18 *shall be considered as ordered on the joint resolution to final*
19 *passage without intervening motion.*

20 *(b)(1) The provisions of this subsection apply to the con-*
21 *sideration in the Senate of a joint resolution under section*
22 *313(b), 401(d), or 501(d).*

23 *(2) A joint resolution shall, upon introduction, be re-*
24 *ferred to the Committee on Foreign Relations of the Senate.*

1 (3) *A joint resolution described in this section shall be*
2 *considered in the Senate in accordance with procedures con-*
3 *tained in paragraphs (3) through (7) of section 8066(c) of the*
4 *Department of Defense Appropriations Act, 1985 (as con-*
5 *tained in Public Law 98-473), except that—*

6 (A) *references in such paragraphs to the Commit-*
7 *tee on Appropriations of the Senate shall be deemed to*
8 *be references to the Committee on Foreign Relations of*
9 *the Senate; and*

10 (B) *amendments to the joint resolution are in*
11 *order.*

12 (c) *For purposes of this subsection, the term “joint reso-*
13 *lution” means only—*

14 (A) *in the case of section 313(b), a joint resolu-*
15 *tion which is introduced in a House of Congress*
16 *within 3 legislative days after the Congress receives the*
17 *report described in section 313(b) and for which the*
18 *matter after the resolving clause reads as follows:*
19 *“That the Congress, having received on*
20 *the report of the President containing the determination*
21 *required by section 313(b) of the Comprehensive Anti-*
22 *Apartheid Act of 1986, disapproves of such determina-*
23 *tion.”, with the date of the receipt of the report inserted*
24 *in the blank;*

1 (e) *This section is enacted—*

2 (1) *as an exercise of the rulemaking powers of the*
3 *House of Representatives and the Senate, and as such*
4 *it is deemed a part of the Rules of the House and the*
5 *Rules of the Senate, respectively, but applicable only*
6 *with respect to the procedure to be followed in the*
7 *House and the Senate in the case of joint resolutions*
8 *under this section, and it supersedes other rules only to*
9 *the extent that it is inconsistent with such rules; and*

10 (2) *with full recognition of the constitutional right*
11 *of the House and the Senate to change their rules at*
12 *any time, in the same manner, and to the same extent*
13 *as in the case of any other rule of the House or*
14 *Senate, and of the right of the Committee on Rules of*
15 *the House of Representatives to report a resolution for*
16 *the consideration of any measure.*

17 **ENFORCEMENT AND PENALTIES**

18 **SEC. 603. (a)(1)** *The President with respect to his au-*
19 *thorities under section 601 shall take the necessary steps to*
20 *ensure compliance with the provisions of this Act and any*
21 *regulations, licenses, and orders issued to carry out this Act,*
22 *including establishing mechanisms to monitor compliance*
23 *with this Act and such regulations, licenses, and orders.*

24 (2) *In ensuring such compliance, the President may—*

25 (A) *require any person to keep a full record of,*
26 *and to furnish under oath, in the form of reports or*

1 *otherwise, complete information relative to any act or*
2 *transaction described in this Act either before, during,*
3 *or after the completion thereof, or relative to any inter-*
4 *est in foreign property, or relative to any property in*
5 *which a foreign country or any national thereof has or*
6 *has had any interest, or as may be otherwise necessary*
7 *to enforce the provisions of this Act; and*

8 *(B) conduct investigations, hold hearings, admin-*
9 *ister oaths, examine witnesses, receive evidence, take*
10 *depositions, and require by subpoena the attendance*
11 *and testimony of witnesses and the production of all*
12 *books, papers, and documents relating to any matter*
13 *under investigation.*

14 *(b) Except as provided in subsection (d)—*

15 *(1) any person that violates the provisions of this*
16 *Act, or any regulation, license, or order issued to carry*
17 *out this Act shall be subject to a civil penalty of*
18 *\$50,000;*

19 *(2) any person, other than an individual, that*
20 *willfully violates the provisions of this Act, or any reg-*
21 *ulation, license, or order issued to carry out this Act*
22 *shall be fined not more than \$1,000,000;*

23 *(3) any individual who willfully violates the pro-*
24 *visions of this Act or any regulation, license, or order*
25 *issued to carry out this Act shall be fined not more*

1 *than \$50,000, or imprisoned not more than 10 years,*
2 *or both; and*

3 *(4) any individual who violates section 301(a) or*
4 *any regulations issued to carry out that section shall,*
5 *instead of the penalty set forth in paragraph (2), be*
6 *fined not more than 5 times the value of the kruger-*
7 *rands or gold coins involved.*

8 *(c)(1) Whenever a person commits a violation under*
9 *subsection (b)—*

10 *(A) any officer, director, or employee of such*
11 *person, or any natural person in control of such person*
12 *who knowingly and willfully ordered, authorized, ac-*
13 *quiesced in, or carried out the act or practice constitut-*
14 *ing the violation, and*

15 *(B) any agent of such person who knowingly and*
16 *willfully carried out such act or practice,*
17 *shall be fined not more than \$10,000, or imprisoned not more*
18 *than 5 years, or both.*

19 *(2) Paragraph (1) shall not apply in the case of a viola-*
20 *tion by an individual of section 301(a) of this Act or of any*
21 *regulation issued to carry out that section.*

22 *(3) A fine imposed under paragraph (1) on an individ-*
23 *ual for an act or practice constituting a violation may not be*
24 *paid, directly or indirectly, by the person committing the vio-*
25 *lation itself.*

1 (d)(1) Any person who violates any regulation issued
2 under section 208(d) or who, in a registration statement or
3 report required by the Secretary of State, makes any untrue
4 statement of a material fact or omits to state a material fact
5 required to be stated therein or necessary to make the state-
6 ments therein not misleading, shall be subject to a civil pen-
7 alty of not more than \$10,000 imposed by the Secretary of
8 State. The provisions of subsections (d), (e), and (f) of section
9 11 of the Export Administration Act of 1979 shall apply
10 with respect to any such civil penalty.

11 (2) Any person who commits a willful violation under
12 paragraph (1) shall upon conviction be fined not more than
13 \$1,000,000 or imprisoned not more than 2 years, or both.

14 (3) Nothing in this section may be construed to author-
15 ize the imposition of any penalty for failure to implement the
16 Code of Conduct.

17 APPLICABILITY TO EVASIONS OF ACT

18 SEC. 604. This Act and the regulations issued to carry
19 out this Act shall apply to any person who undertakes or
20 causes to be undertaken any transaction or activity with the
21 intent to evade this Act or such regulations.

1 *CONSTRUCTION OF ACT*

2 *SEC. 605. Nothing in this Act shall be construed as*
3 *constituting any recognition by the United States of the*
4 *homelands referred to in this Act.*

Calendar No. 775

99TH CONGRESS
2D SESSION

S. 2701

[Report No. 99-370]

A BILL

To provide a comprehensive policy for the United States in opposition to the system of apartheid in South Africa, and for other purposes.

AUGUST 6 (legislative day, AUGUST 4), 1986

Reported with an amendment